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JUSTICE ASSISTANCE ACT OF 1983

REPORT

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ON

S. 53

with

ADDITIONAL VIEWS

SEPTEMBER 12, 1983.—Ordered to be printed

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SEPTEMBER 12, 1983.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 53]

The Committee on the Judiciary, to which was referred the bill (S. 53) to amend the Omnibus Crime Control and Safe Streets Act of 1968, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

I. PURPOSE OF THE COMMITTEE AMENDMENTS

In order to expedite Senate consideration of a program for renewed Federal assistance to State and local law enforcement, Senator Arlen Specter, Chairman of the Subcommittee on Juvenile Justice, offered as an amendment during Subcommittee markup of S. 53, the language of the Administration's justice assistance proposal, which is discussed in more detail in Section III of this Report. That amendment was agreed to and served as the basis for Committee consideration, further amendment, and a favorable recommendation.

The Subcommittee amendment was intended by the Administration and the Committee to provide a highly targeted program of Federal financial assistance to State and local law enforcement operating under a revised organizational structure within the Department of Justice. Major differences between the amendment and the original bill include the provisions in the former establishing a block grant program to distribute Federal financial assistance implementing State and local anti-crime programs of proven success and its organizational revision. It provides for a new Assistant Attorney General within the Department of Justice to coordinate

Federal criminal justice assistance, research, criminal justice facilities, and statistical programs.

II. HISTORY OF S. 53

A. Past Federal Criminal Justice Assistance Programs

The Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) established the first comprehensive Federal grant program intended to assist States and localities in strengthening and improving their criminal justice systems. Administered by the Law Enforcement Assistance Administration (LEAA), the Act provided block grants to the States with approved comprehensive criminal justice plans for law enforcement and criminal justice improvement projects. It also provided categorical grants for national programs, including research, technical assistance, training, statistics, and demonstration projects.

LEAA was initially designed to focus on four basic objectives: (1) the development and transfer of new techniques and methods to reduce crime and to detect, apprehend, and rehabilitate criminals; (2) the development of State comprehensive planning for criminal justice improvements; (3) the provision of technical and financial assistance to improve and strengthen law enforcement and criminal justice; and (4) research and development projects to improve criminal justice operations. In 1970, Congress extended the LEAA authorization and added a new Part E to the basic legislation providing for block and discretionary grants exclusively for corrections-related programs. (Public Law 91-644.)

The Crime Control Act of 1973 (Public Law 93-83) further amended the 1968 Act and extended the LEAA program for another three years. In the process, numerous administrative requirements were added to the program, leading to an increased burden of red tape on State and local governments. The following year, the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 94-503) established a separate juvenile justice program to be administered by LEAA. It provided formula and discretionary grants to State and local governments and private non-profit organizations. The Act also established a National Institute for Juvenile Justice and Delinquency Prevention.

In 1976, the LEAA authorization was extended for three years (Public Law 94-503) and numerous administrative requirements were again added to the legislation. These further increased the complexity of the program and the management costs at all levels of government.

The current authorizing legislation, the Justice System Improvement Act of 1979 (Public Law 96-157) separated LEAA into four distinct agencies: the Office of Justice Assistance, Research and Statistics (OJARS); the National Institute of Justice (NIJ); the Bureau of Justice Statistics (BJS); and the LEAA. Each was to be headed by an administrator or director appointed by the President. In addition, under the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415), and the Juvenile Justice Amendments of 1980 (Public Law 96-509), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has also been headed

by an Administrator appointed by the President. The OJJDP, originally part of LEAA, was later separated from that agency.

In 1975, annual appropriations for the LEAA State and local assistance program reached a peak of $895 million, and subsequently dropped sharply. Three months after the 1979 Act was signed into law, the Carter Administration proposed to phase out LEAA by requesting no Fiscal Year 1981 appropriations for the State and local assistance effort. The LEAA was terminated on April 15, 1982.

The history of LEAA provides important lessons for use in the design of a new effort to attack the problem of crime. It demonstrates that a program whose priorities were unclear and constantly shifting resulted in confusion and waste. It also indicates that overly detailed statutory and regulatory specification produces bureaucratic red tape, which inhibits progress toward the goals of the program.

The LEAA experience also demonstrates that the concept of Federal seed money for carefully designed programs does work, and that certain carefully designed projects can have a significant impact on criminal justice. The assumption rate of 83 percent of city projects and 78 percent of county projects financed under the LEAA is clearly indicative of the value of these projects in terms of fostering permanent improvements in criminal justice systems.[1]

B. Efforts To Restore Federal Law Enforcement Assistance

In 1981, the Attorney General appointed a distinguished Task Force on Violent Crime. Among the recommendations of the Task Force were several concerned with Federal assistance to State and local law enforcement efforts.

—Recommendation 53 urged the Attorney General to ensure that Federal assistance was made available for research, development, demonstration and implementation of effective anti-crime programs to aid local law enforcement efforts against serious crime.

—Recommendation 54 called for legislation to authorize Federal assistance to State and local corrections.

—Recommendation 52 called for legislation to allow for emergency Federal assistance to State and local governments suffering criminal justice disasters.

—Recommendation 51 called for expanded Federal justice data collection and analysis.

—Recommendations 10, 11, 44, 45 and 46 were all concerned with increasing Federal training and technical assistance to local law enforcement.

Building upon the recommendations of the Attorney General's Task Force on Violent Crime and lessons learned from the LEAA experience, the Committee worked to establish a new and more targeted approach to Federal justice assistance in the 97th Congress.

In September 1982, the Committee favorably reported S. 2411, the Justice Assistance Act of 1982. On December 9, 14, and 22, justice assistance legislation was considered and passed by the Senate.

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[1] Advisory Commission on Intergovernmental Relations, "Safe Streets Reconsidered: The Block Grant Experience 1968-1975" at 150.

The final version of the Justice Assistance Act of 1982 was passed by both bodies on December 22 as part of a seven-part anti-crime package. That package was "pocket" vetoed on January 14, 1983, after the 97th Congress adjourned, due to the Administration's strong objections to another portion of that package.[2]

Following meetings with Chairman Thurmond, Senator Specter, and Members of the House, the Administration agreed to endorse the concept of a highly targeted program of Federal financial assistance to State and local criminal justice efforts and proposed that it operate within a restructured organizational framework.

The Justice Assistance Act of 1983, S. 53, was introduced by Senators Specter, Biden, Mathias, Heflin, Kennedy, and Baucus on January 26, 1983, the first opportunity for the introduction of legislation in the 98th Congress. It derived from the recommendations for renewed Federal assistance to State and local law enforcement by the Attorney General's Task Force on Violent Crime, hearings before the Subcommittee on Juvenile Justice in the 97th Congress, and previous favorable consideration of several versions of the Justice Assistance Act of 1982 by the Senate and House Committees on the Judiciary and the full House and Senate in the 97th Congress.

On March 14 and April 5, 1983, the Subcommittee on Juvenile Justice held field hearings on Federal justice assistance in Philadelphia and Harrisburg, Pennsylvania. In addition, on April 14, 1983, the Subcommittee held a hearing in Washington, D.C. During the latter hearing, the Associate Deputy Attorney General expressed the Administration's support for a Federal justice assistance program. In addition to the United States Department of Justice, the Subcommittee also heard or received testimony in the course of its hearings from the United States Conference of Mayors, National Association of Counties, National Sheriffs Association, International Association of Chiefs of Police, Police Executive Research Forum, National Association of Attorneys General, National District Attorneys Association, National Legal Aid and Defender Association, National Council of Juvenile and Family Court Judges, National Center for State Courts, American Bar Association, Consortium of Social Science Associations, SEARCH Group, Inc., Commission on Accreditation for Law Enforcement Agencies, National Neighborhood Coalition, and several State and local law enforcement officials.

All of these groups, while having varied recommendations as to what specific provisions should be included in an assistance program, presented evidence to the Committee as to the critical need for a Federal role in State and local efforts to fight crime.

On January 31, 1983, the Administration sent to the Comgress its Budget Request for Fiscal Year 1984. Included within that request was $92 million for a criminal justice assistance program. On March 16, 1983, the Administration sent its legislative proposal to Congress as Title VIII of the Comprehensive Crime Control Act of 1983. That bill, S. 829, was immediately introduced by Judiciary

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[2] President's Memorandum of Disapproval of H.R. 3963, 19 Weekly Comp. Pres. Doc. 47 (Jan. 14, 1983); 129 Congressional Record H1245 (daily ed. Jan. 25, 1983).

Committee Chairman Strom Thurmond and Criminal Law Subcommittee Chairman Paul Laxalt.

III. STATEMENT

The bill reported by the Committee is intended to respond to violent crime which has been consistently shown to be a national problem of major proportions, both in the number of violent crimes committed and in the public perception of crime as a leading personal concern. According to the FBI's "Crime Clock" for 1981, one violent crime is committed every 24 seconds and one property crime is committed every three seconds.[3] The "Figgie Report on Fear of Crime: America Afraid" found that 41 percent of Americans were "highly fearful" that they would become victims of violent crime.[4] An additional 29 percent were "moderately fearful." The news media have given sustained prominence to the problem of crime, heightening public awareness of its magnitude, and sustaining the public's demand for effective action by government at all levels. While State and local governments shoulder the primary burden of dealing with violent crime, a Federal role is appropriate in order to coordinate and supplement State and local efforts.

The bill is designed to reflect an appreciation for the lessons of the LEAA experience by providing for a highly targeted program of assistance from within a streamlined and simplified organizational arrangement in the Department of Justice. The bill eliminates the burdensome comprehensive planning requirements in the current law and substitutes a simplified application process which will assure the delivery of Federal assistance with a minimum of red tape and delay. Under the LEAA program, States submitted detailed comprehensive criminal justice improvement plans as the basis for their use of Federal funds. This requirement led to annual State plans of extraordinary length for which up to $60 million of Federal funds were spent annually.

Under the Justice Assistance Act, as reported by the Committee, only a simplified application is required. The applications will identify the eligible projects to be implemented, the State or local jurisdictions in which the project will be operated, and the source of funds required to match the Federal share of the cost. Once the application is reviewed for compliance with provisions of the Act, the block grant funds will immediately become available to the State, which is then obligated to distribute a fair share of the funds to local jurisdictions.

S. 53 establishes an Office of Justice Assistance (OJA) within the Department of Justice, headed by an Assistant Attorney General. The Committee concluded that placing authority and responsibility for the entire State and local program at the level of an Assistant Attorney General enhances the stature of the organization and provides a clear line of authority and accountability.

Within the OJA will be four separate units—the Bureau of Justice Programs (BJP), the Bureau of Criminal Justice Facilities (BCJF), the National Institute of Justice (NIJ), and the Bureau of

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[3] Federal Bureau of Investigation, U.S. Department of Justice, Uniform Crime Reports, "Crime in the United States," at 5 (1981).

[4] See generally, "The Figgie Report on Fear of Crime: America Afraid," ch. 1 (1980).

Justice Statistics (BJS), each headed by a director appointed by the Attorney General. The BJP Director is required by Section 202 of the reported bill to provide funds, technical assistance, and training authorized under Parts E and F. Under Sections 302 and 402, respectively, the NIJ and BJS Directors have "such authority as delegated by the Assistant Attorney General to make grants, cooperative agreements, and contracts awarded" by their respective agencies. The Director of the BCJF is authorized to make grants for correctional facilities under Sections 702 and 703 of the bill. The Committee anticipates that all directors will be responsible for the day-to-day management of their units and will have grant-making authority.[5] LEAA and OJARS would be abolished.

Advising the Assistant Attorney General would be a consolidated Justice Assistance Advisory Board appointed by the President. This Board, replacing the two separate boards advising NIJ and BJS, would consider the full range of criminal justice issues and policies, rather than the compartmentalized consideration of only research, only statistical programs, or only the financial assistance needs of the criminal justice community.

The National Institute of Justice sponsors research and development relating to crime, its causes, and how criminal justice agencies can better address it.

NIJ programs support a broad range of research activities to help strengthen criminal justice operations, formulate policies for crime prevention and control, and develop a better understanding of criminal patterns and behavior. It also supports research on prediction and classification techniques, analyses of crime control policies, and the development of performance standards for criminal justice agencies. Moreover, the Institute translates the results of research and evaluation into operating techniques, tests promising new criminal justice programs and transfers information through training and dissemination to State and local officials. Institute research is conducted primarily by non-governmental research organizations.

Under S. 53, the NIJ will continue to carry out these justice research activities in much the same manner as authorized under current law, although more effective coordination between NIJ, BJS, BCJF, and BJP is expected to be achieved under the proposed organizational arrangement. Thus, the products of NIJ research and demonstration efforts can be brought to bear directly on the financial and technical assistance activities of the other units.

The Bureau of Justice Statistics is the major Federal agency with responsibility for collecting, analyzing, and reporting national statistics on crime and criminal justice. It sponsors national surveys and censuses, including the National Crime Survey of crime victimization and a survey of inmates of State correctional facilities. These and other surveys enable BJS to provide statistical information on crime and criminal justice in the United States, including information relating to the nature and extent of crime in the Nation, the number of crime victims and the extent of their inju-

[5] "Justice Assistance Act of 1983;" Hearing on S. 53 before the Senate Committee on the Judiciary Subcommittee on Juvenile Justice, 98th Congress, 1st session at 8, Apr. 14, 1983 (statement by Stanley E. Morris, Associate Deputy Attorney General).

ries and property losses, the size and growth of the prison population, the extent of prison overcrowding, and other matters. Under S. 53, BJS will continue to carry out these statistical activities in much the same manner as authorized under the current law.

The Committee feels that by placing the National Institute of Justice and the Bureau of Justice Statistics within the new structure of the Office of Justice Assistance, the overall coordination and resulting productivity of that branch of the Department of Justice will be enhanced. While the Committee recognizes the great value of research and statistics in this area and their productive results, current economic limitations on available resources and past experiences with bureaucratic complexity dictate the need for a more efficient and focused approach.

The Committee therefore concluded that while the day-to-day operation, research, and statistical responsibilities would remain with the individual bureau directors, the Assistant Attorney General could better coordinate the efforts of these branches of the Office. Because the directors will have practical experience in their fields and the bill clearly defines the duties and responsibilities of the various bureaus within the Office, the NIJ and the BJS will be free to pursue their academic and statistical endeavors unfettered by any bureaucratic or political constraints. It is the Committee's belief that this new structure will reduce red tape and increase the overall productivity of the Office of Justice Assistance, without reducing the scientific integrity or autonomy of the bureaus involved.

The Bureau of Justice Programs will have the responsibility to provide technical assistance, training, and funds to State and local criminal justice and non-profit organizations through a combination of block and discretionary grant funds. Eighty percent of the funds authorized to be appropriated are for the purposes of implementing a block grant program. Each State would receive an allocation of block grant funds based on its relative population. At least a proportional share of the funds must then be passed through to local governments for program implementation. A base amount of $250,000 will be awarded to each State with the remaining block grant portion allocated on the basis of each State's relative population.

Reported crime rate was not included as a factor for three reasons. First, numerous jurisdictions, including some large cities and many small or rural communities, do not participate in the FBI's Uniform Crime Reports (UCR) data collection program. Second, the number of crimes reported to the police do not necessarily reflect either the actual rate of criminal acts or the level of public fear of crime in a particular locality. Finally, the use of crime rate data as a basis for the distribution of funds may penalize the more efficient and effective law enforcement agencies while rewarding the less effective.

Federal funds would be matched in cash on a 50–50 basis. Individual projects would not be entitled to receive more than three years of Federal assistance. Funding would be limited to specific types of activities based on program models with a demonstrated record of success, which relate primarily to violent crime, repeat offenders, victim/witness assistance, and crime prevention projects. No Federal funds may be used to pay State or local administrative

costs, nor may they be used for construction projects, personnel salaries, or hardware, except as a necessary and incidental expense associated with an approved activity.

Among the authorized program activities are the following selected projects previously supported by LEAA which the Committee feels have made clear and measurable impact on the crime problem:

"Sting" Anti-Fencing Projects.—Undercover enforcement operations involving local police and FBI agents which establish phony fencing operations to purchase stolen property and obtain evidence necessary to convict the thieves, robbers, and burglars involved. Ninety-three operations have been completed in 47 cities, resulting in arrest warrants for 9,856 persons, and the recovery of $300 million in stolen property and savings. The conviction rate is over 90 percent.[6]

The Career Criminal Program.—This program enables prosecutor's offices in large- and medium-size cities throughout the country to identify and fully prosecute individuals who repeatedly commit serious and violent crimes. Prosecutors screen all felony charges and identify individuals charged with serious felonies as career criminals by analysis of their criminal records. Their cases are thoroughly prepared and expeditiously presented to the court, without plea bargaining. The 50 units which have been closely monitored convicted 11,000 repeat offenders who have received an average of 13.8 years in prison. The conviction rate of those units was an impressive 92.8 percent.[7]

The Victim-Witness Assistance Program.—Victim/witness programs work to remedy the indifference, delay, and lack of information which often confront victims of and witnesses to crimes. Procedures have been changed, information provided, and the sensitivity of prosecutors heightened. Significant savings in time and lost wages have been realized and the willingness of victims and witnesses to cooperate with law enforcement authorities has been enhanced.[8]

The Treatment Alternatives to Street Crime (TASC) Program.—The TASC program was designed as a response to a rapidly increasing property crime rate caused, in significant part, by drug offenders. Pretrial, probation, and parole clients are placed in treatment programs under close supervision to prevent their return to illicit drug use and crime. Over 52,000 drug-abusing offenders have participated in 72 TASC programs. Savings have been realized from the program due to decreased correctional, court, prosecutorial, and probation workloads. Of those successfully completing the program in one project, 91 percent had no subsequent arrests.[9]

Integrated Criminal Apprehension Program (ICAP).—This program promotes the increased utilization, effectiveness, and efficiency of police resources through the use of crime analysis, directed and varied patrol, tactical crime prevention, and investigative re-

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[6] Criminal Conspiracy Division, LEAA, "Property Crime Programs: A Special Report Overview of 'Sting' Programs" (1981).

[7] E. Chelinksy & J. Dahmann, "National Evaluation of Career Criminal Programs: Case Studies in Four Jurisdictions" (National Institute of Justice 1980).

[8] R. Cronin & B. Bourque, "Assessment of Victim/Witness Assistance Programs" (1981).

[9] J. Romm, "Evaluation of Treatment Alternatives to Street Crime" (LEAA, 1979).

sponses based on analyzed information. Implemented in 56 jurisdictions, ICAP resulted in increased police patrol strength, reduced investigative case backlogs, increased arrest rates for serious and repeat offenders, and reduced overtime costs for police departments.[10]

The Prosecutor's Management Information System (PROMIS).—This program was designed as a response to the common experience in large urban areas of courts being overwhelmed by the high volume of criminal cases. PROMIS is an automated system which identifies high priority cases, alerts officials to multiple offenders, develops statistical reports illustrative of court and prosecutorial problems and needs, and aggregates data about court process, crime trends, and social-legal problems. Significant time and cost savings have been documented in participating jurisdictions.[11]

New Pride and Violent Juvenile Offender Programs.—Project New Pride provides specially designed intensive and comprehensive treatment for serious juvenile offenders which is community based. It reduces recidivism, increases school and community achievements, and provides employment opportunities. Results show that many of these serious juvenile offenders who failed in traditional programs made considerable progress after being enrolled in Project New Pride. The Violent Juvenile Offender Program includes the development of performance contracts with young offenders that specify services to be provided, the responsibilities of the youths, and the penalties if contract terms are not met. A preliminary evaluation indicated that 83 percent of the juveniles had no further contact with the juvenile court prior to case closure and that some 17,000 youths participated during the first two years, paying $1.5 million in monetary restitution, working 259,092 hours of community service, and performing more than 4,060 hours of direct victim services.[12]

Anti-Arson Programs.—LEAA anti-arson efforts have developed arson prevention and control programs and have enhanced cooperation and coordination between insurance companies and law enforcement.[13]

Community Crime Prevention.—LEAA fostered programs of crime prevention education aimed at alerting the public to the effectiveness of community and neighborhood programs like Neighborhood Watch and similar projects utilizing citizen involvement. A nationwide media campaign was sponsored with the Advertising Council and other national organizations to inform the public of alternative programs to prevent and control community and neighborhood crime.[14]

Unlike the former LEAA program, which attempted to "improve the criminal justice systems" at State and local levels, S. 53 focuses

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[10] W. Pindur, Old Dominion University, "The Story of ICAP in the Portsmouth Police Department" (January 1983).

[11] National Institute of Justice, "National Evaluation Program Phase I Summary Report: Prosecution Management Information Systems" (1980).

[12] U.S. Department of Justice, "Third Annual Report of the Justice Improvement Act Agencies," at 14 (May 1983).

[13] See generally, National Institute for Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Arson Prevention and Control (1979); also, U.S. Department of Justice, "First Annual Report of the Justice System Improvement Act Agencies" (March 1981).

[14] U.S. Department of Justice, "First Annual Report of the Justice Improvement Act Agencies" (March 1981).

on those specific areas where modest resources can have a significant impact. Past experience with the LEAA program is ample evidence of the need for a narrow focus to the financial assistance program in order to prevent dissipation of limited resources and to assure maximum impact on violent crime, repeat offenders, victim/witness assistance, and crime prevention activities.

Twenty percent of the funds authorized to be appropriated are for a discretionary grant program. The discretionary funds will focus on technical assistance, training,[15] and multijurisdictional or national programs related to the same priority objectives specified for the block grant funds. In addition, discretionary funds may be used for demonstration programs to test the effectiveness of new anti-crime ideas. Federal funding for such programs may be up to 100 percent of their cost.

S. 53 eliminates the complex application submission and review procedures required under the earlier program. It retains only those administrative provisions necessary to the exercise of appropriate stewardship over public funds and to assure that the funds are being effectively used for the purposes identified in the Act. In lieu of the establishment of a statutorily mandated State planning agency, it authorizes the chief executive of each State to designate a State agency to administer the grant program.

S. 53 authorizes the establishment of a new Bureau of Criminal Justice Facilities as the fourth separate unit within the OJA. The Committee believes that our dangerously overcrowded prisons and jails represent a serious threat to the stability and integrity of the Nation's law enforcement and justice systems. A Federal justice assistance effort must include direct and substantial aid to States struggling to renovate and rebuild a failing prison and jail infrastructure that represents their last line of defense against violent crime.

During 1982 the National Governor's Association called for the Federal Government to make assistance for the construction of new prisons its number one criminal justice priority. The Attorney General's Task Force on Violent Crime recommended that Congress appropriate $2 billion over four years to help the States build prisons.[16] Governor James Thompson, co-chair of the Task Force, urged that most of the recommendations to combat violent crime would be to no avail for a nation left with no place to put violent offenders because of a lack of safe and humane prison facilities.[17]

Our Nation's prisons and jails are teeming with inmates sleeping in tents, boilerrooms, gymnasiums, hallways and temporary trailer houses. Unsanitary and unsafe, many of our overflowing prisons no longer have the capacity to legally hold the burgeoning inmate populations created by our ever increasing war on crime. Wardens and jailers, as well as mayors and governors, face thousands of law-

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[15] The training which might be funded under the discretionary grant program includes the type provided at the Federal Law Enforcement Training Center at Glynco, Ga., the National Institute of Corrections training facility at Boulder, Colo., and the FBI National Academy at Quantico, Va.

[16] U.S. Department of Justice, "Attorney General's Task Force on Violent Crime: Final Report," p. 77, August 1981.

[17] Hearing before the Subcommittee on Criminal Law of the Senate Committee on the Judiciary, on S. 186, the Criminal Justice Construction Reform Act, J-97-36 (Statement by Governor James Thompson of Illinois).

suits challenging their very right to hold prisoners under conditions that the courts have ruled violate fundamental concepts of human decency. Thirty-nine States and hundreds of county and city executives and law enforcement officers are under court order, or are defending lawsuits because of substandard or inhumane prison and jail conditions.[18] The condition of our Nation's corrections infrastructure of more than 650 prisons, 3,500 jails, and numerous halfway houses, detention centers, and other correctional facilities today represent the critically weak link in the Nation's battle against crime.

During the 1970's, while resources to detect, apprehend, and prosecute criminals were expanding, expenditures for convicted and pretrial prisoners continued to decline in real terms. The capacity and efficiency of all criminal justice agencies except corrections increased, leaving the Nation's last line of defense against crime with too many prisoners in too little space.

Part G of the Act creates a new Bureau of Criminal Justice Facilities to direct new Federal financial and technical assistance to directly aid States and localities in their efforts to reduce dangerous and epidemic prison and jail overcrowding and improve substandard conditions of confinement. The authorization for Part G is capped at $25 million for each fiscal year 1984 through 1987.

The Bureau of Criminal Justice Facilities will render assistance in several important areas:

1. Provide for subsidies to reduce interest costs on prison and jail bonds to help move necessary renovation and construction projects off the drawing boards.

2. Authorize grants for developing State corrections master plans for renovation or construction projects to relieve unconstitutional and substandard prison and jail conditions.

3. Establishes a state-of-the-art clearinghouse for criminal justice facilities with expert technical assistance for facility planning, design, construction, and operations.

The Committee believes that Federal assistance should emphasize aiding State and local governments that are striving to bring their correctional facilities into compliance with Federal constitutional and other legal mandates. Since such mandates contemplate evolving standards of decency, assistance should also encourage efforts to meet locally or nationally developed standards or accreditation requirements through the application of advanced practices.[19] As developed by the American Correctional Association and the former National Clearinghouse on Criminal Justice Planning and Architecture, advanced practices are intended to make correctional facility designs more flexible, efficient, and responsive to environmental health, security, personal safety, basic human activity, and other important institutional and societal purposes, and less reflec-

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[18] ACLU National Prison Project, status report, March 1983.

[19] In 1980, Congress granted the Department of Justice legal standing to intervene on behalf of prisoners suing State and local officials because of unconstitutional prison and jail conditions. Public Law 96-247, the Civil Rights of Institutionalized Persons Act, stated that ". . . Where Federal funds are available for use in improving such institutions, priority should be given to the correction or elimination of such unconstitutional or illegal conditions which may exist." 94 Stat. 349, at 354.

tive of obsolete designs relying almost exclusively on a maximum security hardware approach.

The vehicle serving as the application for assistance—the State corrections master plan—represents one of the most potent resources a State can marshall to combat substandard prison conditions and overcrowding. The application process itself encourages States to begin managing their prison problems in an active rather than reactive manner. No elaborate overlay of statutory or regulatory requirements are provided or intended to encourage such planning efforts. Application requirements are intended primarily to insure a modicum of fiscal accountability and encourage coordinated system-wide planning efforts. State plans concisely setting out correctional facility needs and describing legislative, executive, and judicial solutions being pursued in a construction and non-construction context will satisfy the purposes intended for such plans by the Committee.

The Committee believes that non-construction initiatives such as developing corrections standards, seeking accreditation of institutions, sentencing reform, emergency overcrowding contingency plans, innovative classification plans, community corrections, enhanced prison education, industry and work release programs, and other strategies utilized by a number of States to enhance or supplant construction efforts to improve prison conditions and reduce overcrowding should be encouraged as a concommitant to providing renovation or construction assistance.[20]

S. 53 provides for Federal assistance to State or local governments confronting an "uncommon situation in which State and local resources are inadequate to protect the lives and property of citizens or enforce the criminal law." The Attorney General is authorized to receive and approve or disapprove applications from the chief executive of any State for designation of a State or locality experiencing such a situation as a "law enforcement emergency jurisdiction." When the Attorney General finds that a jurisdiction qualifies for such designation according to criteria he is required to establish and publish, assistance may be provided by Federal agencies having law enforcement responsibilities. Federal assistance is defined as "equipment, training, intelligence information, and technical expertise." In addition, the Office of Justice Assistance may provide funds for the lease or rental of specialized equipment and other forms of emergency assistance, except that the funds may not be used to pay the salaries of local criminal justice personnel or otherwise supplant State or local funds.

The Committee anticipates that the emergency assistance provision could apply to such situations as the notorious Atlanta child murders, the Mount St. Helens volcanic eruption which disabled police vehicles and communications, and public safety planning for national political conventions and international events, such as the Olympic Games.

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[20] Many of the construction and nonconstruction strategies that States have been pursuing to reduce overcrowding are catalogued in a report "Reducing Prison Crowding: An Overview of Options" prepared by the National Institute of Corrections, submitted to the National Governors Association, Feb. 21, 1982.

IV. ADDITIONAL FEATURES OF THE JUSTICE ASSISTANCE ACT

Public Safety Officers' Death Benefits.—S. 53 reauthorizes the existing Public Safety Officers' Benefits Act with four modifications which are consistent with congressional intent as expressed in the legislative history of the 1974 Act. Specifically, it codifies a recommendation of the General Accounting Office regarding eligible beneficiaries under 5 U.S.C. 8101, establishes a definition of intoxication, and clarifies the prohibition against payment in instances of gross negligence and voluntary intoxication.

Prison Industry Enhancement.—The original prison industry enhancement certification authority was included in the Justice System Improvement Act of 1979. It authorized LEAA to designate seven projects for exemption from Federal laws prohibiting the sale of prisoner-made goods to the Federal Government and the placement of those goods in interstate commerce. 18 U.S.C. 1761(a). The seven authorized certifications have been issued and early evaluations indicate that the designated projects have been successful in teaching inmates marketable job skills, reducing the need for their families to receive public assistance, decreasing the net cost of operating correctional facilities, and breaking the recidivist cycle. The Committee believes a modest expansion of the program to 20 projects will permit willing and able corrections facilities to participate in the program and will allow the Department to better evaluate which prison industry projects best accomplish the goals of the program.

A technical amendment to the existing authority would exempt goods produced by designated projects from a Federal law permitting a State to keep prison-made goods produced in another State from crossing its borders. A second amendment requires States to provide compensation to injured inmates, but not necessarily under the State's workers' compensation law, as the current authority requires. Many States are prohibited by statute from offering workers' compensation to inmates.

V. AMENDMENTS OFFERED IN FULL COMMITTEE

The Committee considered five amendments to the amendment reported by the Subcommittee, adopting four and rejecting one.

A. Dole-Specter Corrections Assistance Amendment

The Committee adopted an amendment offered by Senator Specter, on behalf of Senator Dole and himself, to authorize Federal technical assistance, bond interest subsidies, and grant aid to assist States and local jurisdictions in remedying overcrowded, and possibly unconstitutional, prison and jail conditions. The amendment establishes a Bureau of Criminal Justice Facilities to administer the program. The entire program is authorized at a level of no more than $25 million annually.

The bulk of the amendment appears as Part G of the reported bill. Section 901 was also amended to authorize the appropriation of "such sums as are necessary" for fiscal years 1984 through 1987 for Part G with the following limitation: "The appropriation au-

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thorized for the Bureau of Criminal Justice Facilities or for any function or activity authorized for part G shall not exceed in total twenty-five million dollars for any fiscal year ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987." The amendment also made technical and conforming changes throughout the reported bill, particularly to bring the BCJF within the new organizational structure.

B. Specter Block Grant Distribution Amendment

The Committee adopted the block grant distribution amendment offered by Senator Specter to respond to one of the major criticisms of the block grant program raised during Senate hearings. The United States Conference of Mayors, National Association of Counties, and International Association of Chiefs of Police all favored categorical grants over State block grant distribution. They suggested that if a block grant system were adopted, the States should be required to give priority to local jurisdictions where the greatest need existed for the authorized programs. The relative needs of urban, rural and suburban jurisdictions can be evidenced by crime rates, victimization rates, arrest rates, and relative levels of criminal justice expenditures.

In addition, the amendment makes clear that, within a State that chooses not to participate in the block grant program or does not qualify for a portion of its allocated funds, local jurisdictions within that State shall be able to apply for and receive such funds. In circumstances where both States and units of local government choose not to participate or do not qualify to participate in the block grant program, the allocated funds are to be transferred to the discretionary grant program under Part F.

C. Specter Court Case Management Amendment

The Committee adopted the court case management amendment offered by Senator Specter to add to the list of authorized expenditures for States and local jurisdictions under the new block grant program. A similar authorization was included in the bill that passed the 97th Congress.

Chairman Thurmond suggested a modification in the language of this amendment to focus it more explicitly on violent crime and career criminals. That modification was included in the amendment which was adopted.

The amendment added a new Section 501(a)(12) authorizing the BJP to fund programs that ", with respect to cases involving career criminals and violent crime, expedite the disposition of criminal cases, reform sentencing practices and procedures, improve court system management, improve the efficiency of the jury system and improve the processing of criminal cases involving the mentally ill."

D. Specter BJS Amendment

The Committee adopted the BJS amendment offered by Senator Specter to include authority to encourage the development of criminal justice information systems by the Bureau of Justice Sta-

tistics. Without such data collection, law enforcement will be hindered, analysis of crime will be more difficult, and data collection by the BJS will be less reliable, comprehensive, and uniform. In strengthening and clarifying the information systems and policy authorization of the BJS, the Committee recognizes that statistical data collection and analysis and the development and coordination of State and local justice information systems programs and information policies are interdependent. Thus, where BJS determines that providing information systems programs to State and local units of government will assist BJS in discharging its responsibilities to collect, analyze, and disseminate justice information, BJS is expressly authorized to provide such support.

The Committee wishes to emphasize that the amendment does not authorize BJS to provide hardware or ongoing operational funding under any circumstances.

The Committee believes that BJS and the Federal justice statistics and information program can obtain substantial benefit by assisting State and local agencies in replicating, coordinating, and sharing information systems, policies, and data. The amendment is intended expressly to authorize such transfer, replication, and coordination of justice information systems and related information systems and related information policy and data. In this effort, BJS can seek to ensure that justice information statistical collection, analysis, and dissemination are carried out in a coordinated manner.

In addition, the amendment contains references to the security and privacy requirements of the law to ensure conformity with these requirements.

The amendment added language to Section 402(c)(11) of the bill to authorize the BJS to provide "justice information systems programs." In addition, it added a new Section 402(c)(14) authorizing the Bureau to "insure conformance with security and privacy requirements of section 1410 and regulations issued pursuant thereto."

E. Biden Substitute Amendment

The Committee did not adopt an amendment offered by its Ranking Minority Member, Senator Joseph R. Biden, Jr., that would have substituted for the amendment adopted by the Subcommittee the language passed by the House and Senate at the end of the 97th Congress. Proponents of the amendment were concerned about the complete consolidation and loss of independence of the Bureau of Justice Statistics and National Institute of Justice under the Subcommittee amendment. In addition, they argued that adoption of the version that passed both the House and Senate in the 97th Congress would result in more prompt consideration and passage during this Congress.

The Committee concluded, however, that the specificity with which the distinct functions of NIJ and BJS are set forth in the bill provides adequate protection for the integrity of the research and statistical programs. Moreover, the Committee believes that effective coordination between research and action programs is essential to the effort and notes that the measure which passed the 97th

Congress, while abolishing OJARS, provided no mechanism for coordination between the products of research and the financial assistance units. Finally, S. 53, as reported, includes numerous improvements, including a more targeted program of assistance, which were not part of the compromise prepared in the 97th Congress.

This amendment was defeated by a vote of 9 to 8, with those present at the meeting voting 7 to 2 against the amendment.

The Biden amendment was defeated by a roll call vote, as indicated:

YEAS (8)	NAYS (9)
Mathias*	Laxalt
Biden	Hatch
Kennedy*	Dole*
Metzenbaum*	Simpson*
DeConcini*	East
Leahy*	Grassley
Baucus	Denton
Heflin*	Specter
	Thurmond

*By proxy.

VI. SECTION-BY-SECTION ANALYSIS

Section 1 of the bill contains the short title: The Justice Assistance Act of 1983. Section 2 of the bill amends Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by the Justice System Improvements Act of 1979).

PART A—OFFICE OF JUSTICE ASSISTANCE

Section 101 establishes an Office of Justice Assistance in the Department of Justice, headed by an assistant Attorney General appointed by the President with the advice and consent of the Senate and under the general authority of the Attorney General.

Section 102 describes the role of the Assistant Attorney General, who has authority over the activities carried out under this Act and is responsible for coordination and provision of staff support and services to the units established under this Act. The responsibilities of the Assistant Attorney General include dissemination of information, coordination with State and local governments, and cooperation with State and local criminal justice agencies and officials. The Assistant Attorney General is expected to serve as the focal point for communications with the Department of Justice from State and local criminal justice agencies and to function within the Department as an advocate for the interests and needs of State and local criminal justice.

Section 103 establishes a Justice Assistance Advisory Board of not more than 21 members appointed by the President and sets qualifications for members. The Board is authorized to make recommendations to the Assistant Attorney General concerning program priorities of the operating units and to provide such advice as is appropriate. The Board replaces the separate advisory boards to NIJ and BJS, with the objective of establishing a single advisory

body capable of making recommendations pertaining to the full range of State/local criminal justice concerns rather than the limited viewpoints of only research or only statistical issues.

PART B—BUREAU OF JUSTICE PROGRAMS

Section 201 establishes a Bureau of Justice Programs within the Office of Justice Assistance. The Bureau is to be headed by a Director appointed by the Attorney General.

Section 202 describes the duties and functions of the Bureau of Justice Programs and its Director. It authorizes the provision of financial and technical assistance and training to State and local criminal justice agencies and private nonprofit organizations through block and discretionary grants. It provides authority to make grants and enter into contracts and interagency agreements and requires the Director to establish priorities in accordance with specified criteria. The Director is called upon to foster local participation in technical assistance and training programs, and to encourage the targeting of State and local resources on activities directed toward violent crime and the apprehension and prosecution of repeat offenders.

PART C—NATIONAL INSTITUTE OF JUSTICE

Section 301 describes the purpose of the National Institute of Justice, which is to provide for and encourage research and demonstration efforts designed to improve Federal, State and local criminal justice systems and related aspects of the civil justice system, prevent and reduce crime, ensure citizen access to dispute-resolution forums, improve efforts to detect, investigate, and prosecute white-collar crime and public corruption, and identify programs of demonstrated success.

Section 302 establishes the National Institute of Justice within the Office of Justice Assistance to be headed by a Director appointed by the Attorney General. The Institute is authorized to make grants and enter into contracts for a variety of research and development purposes relating to crime and criminal justice.

Section 303 authorizes the Institute to make grants and enter into contracts for up to 100 percent of project costs.

PART D—BUREAU OF JUSTICE STATISTICS

Section 401 indicates that the purpose of this part is to provide for the collection and analysis of statistical information on crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of civil justice system and to encourage the development of information and statistical systems programs at the Federal, State, and local levels.

Section 402 establishes the Bureau of Justice Statistics within the Office of Justice Assistance to be headed by a Director appointed by the Attorney General. It authorizes the Bureau to make grants and enter into contracts for a variety of statistical collection and analysis purposes involving crime, juvenile delinquency and criminal justice systems at Federal, State, and local levels, and to

assist the development of information and statistical systems programs and capabilities at State local levels.

Section 403 authorizes the Bureau to make grants and enter into contracts for up to 100 percent of project costs.

Section 404 directs that data collected by the Bureau shall be used only for statistical or research purposes and shall be gathered in a manner that precludes use for law enforcement or other purposes relating to a particular individual.

Part E—State/Local Allocations

Section 501 indicates that the purpose of this Part is to assist State and local governments to establish programs of proven success or that have high probability of improving criminal justice systems and which focus primarily on violent crime and serious offenders. It authorizes the Bureau of Justice Programs to establish criteria and make grants to States for twelve enumerated program activities plus an additional category authorizing programs which having been certified by the Director as likely to prove successful and address additional critical problems of crime.

Section 502 limits the duration of Federal financial assistance under this Part to not more than three years and limits the Federal share of any grant to a State under this part to 50 percent of the cost of programs or projects specified in the application. It directs that the non-Federal share must be in cash. It provides also that the Federal share may be increased in the case of grants to Indian tribes or other aboriginal groups under certain circumstances.

Section 503 articulates application requirements, including the stipulation that the application must set forth programs for a two-year period which meet objectives of Section 501 and must designate which Section 501 objective will be achieved by each program. It also provides that certain specific assurances must be included in the application, including a pledge to submit an annual performance report, assessment of the impact of funded activities, and certification that Federal funds will not be used to supplant State or local funds. It requires other assurances concerning fund accounting, maintenance of data, and equipment use.

Section 504 directs that the Bureau shall provide financial assistance to each State applicant if its application is consistent with the requirements of this Title and with priorities and criteria of with Section 501. It also directs that an application will be deemed approved unless the Bureau informs the applicant of reasons for disapproval within 60 days of its receipt. It gives the Bureau authority to suspend funding for that part of a program that has failed to meet the Act's objectives. It prohibits the use of grant funds under Parts E and F for certain enumerated purposes, including general salary payments and construction projects. It gives an applicant under this Part the right of notice and an opportunity for reconsideration under Section 1402 before final disapproval of the application.

Section 505 provides that of the total sum appropriated for Parts E (block grants) and F (discretionary grants), 80 percent will be for Part E and 20 percent for Part F. It sets allocation and distribution requirements, including the provision of a $250,000 base amount to

each State and the passthrough of funds to local units of government at least proportionate to the relative local expenditures for criminal justice. Inasmuch as most authorized activities under Section 501 are carried out by local jurisdictions, the States are encouraged to pass through to local governments the maximum amount of available funds.

Section 506 specifies that the chief executive of each participating State will designate an office to administer its block grant funds. States are not required to establish an administrative entity by statute, as required under current law, inasmuch as Federal program funds may not be used to pay the State or local administrative costs. Thus, States are afforded maximum discretion in providing appropriate stewardship of block grant funds.

Part F—Discretionary Grants

Section 601 authorizes a discretionary program to provide financial assistance, in amounts up to 100 percent of program or project costs, to States, units of local government, and private nonprofit organizations for specific activities, including demonstration programs, education, training, and technical assistance, national or multi-State efforts which address the 12 activities enumerated in Section 501, and the development of standards and voluntary accreditation processes.

Section 602 requires the Bureau to establish annual funding priorities and selection criteria for discretionary grants and provides for prior notice and opportunity for public comment.

Section 603 specifies certain programmatic and certification requirements for applications for discretionary funding, including the provision for evaluation in order to determine the impact of the program or project and its effectiveness in achieving the stated goals. It requires that nonprofit organizations include evidence of consultation with appropriate State and local officials.

Section 604 limits financial assistance to programs or projects funded under this part to not more than three years, with certain exceptions.

Part G—Criminal Justice Facilities

Section 701 establishes the Bureau of Criminal Justice Facilities within the Office of Justice Assistance. The BCJF is headed by a director appointed by the Attorney General. The section also prohibits the Director from engaging in other employment or holding any position with organizations with which the BJCF has any dealings in order to prevent conflicts of interest.

Section 702 directs the Bureau of Criminal Justice Facilities to make grants to States to aid in the construction and modernization of correctional facilities which are defined in Section 710. The BCJF, in conjunction with the duties outlined in Section 708, shall also provide for the widest practical and appropriate public dissemination of information obtained from the programs and projects assisted by BCJF. Such information should emphasize evaluative data on the relative successes of various proven and promising construction and nonconstruction initiatives aimed at reducing correc-

tional facility overcrowding and improving substandard conditions of confinement.

Section 703 requires the director of BCJF to pay each fiscal year the Federal share of the cost of carrying out an approved State plan which meets the criteria established under sections 706, governing State plans, and 707 dealing with basic criteria. The State match for Federal funds for grants is a 50 percent cash match with a similar match to aid in the cost of preparing the State plan application. States with an approved plan which is developed from planning materials available prior to the effective date of this legislation, may be considered as a part of the State match. Payments are autorized to be made in installments, in advance or through reimbursement with adjustments for over or under payments.

Section 704 authorizes the Director of the Bureau of Criminal Justice Facilities to make grants for the renovation and construction of correctional facilities beginning October 1, 1984, and ending September 30, 1987.

Section 705 allocates appropriate funds. The Director of the Bureau of Criminal Justice Facilities shall allocate no more than 3 percent of appropriated funds each year to Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territories of the Pacific Islands, and the Northern Mariana Islands according to their respective needs and efforts pursuant to sections 706 and 707.

Of the funds remaining for the States, one-half is allocated based on population and the remaining half is to be allocated considering relative correctional facility needs and efforts as established in approved State plan applications.

In determining relative needs of each State, the Director is required to consider whether overcrowding or facility conditions violate constitutional or statutory standards and the amount and type of assistance required to bring a facility into compliance with the law.

The size, density, and nature of an inmate population are also factors that are to be considered by the director in determining the relative needs of a given State. For example, older inmate populations and those serving long sentences place heavy demands on certain institutional resources, such as medical services. The courts have placed a strong emphasis on staffing, inmate health, safety, activity, and access to exercise and other program areas in relation to number of hours per day inmates are confined in locked cells to determine whether a facility is considered legally overcrowded. Double-celling situations which have been ruled constitutional by the courts for prisoners confined in new, well-staffed facilities where prisoners spend most of their time out of their cells in program or dayroom areas, may not be tolerable in an older institution lacking adequate staffing or programs for inmates.

In allocating assistance, the Committee emphasizes that the Director give priority to the needs of States which have demonstrated that they have implemented, or are in the process of implementing, significant legislative, executive or judicial non-construction, as well as construction initiatives, to reduce overcrowding or improve conditions of confinement.

Section 706 governs the State Applications Plan. The BCJF will promulgate administrative rules to implement the purposes of this

part. States seeking assistance shall submit a five-year State needs assessment and action plan as an application, supplemented as necessary with annual revisions.

State plans are to: provide that the plan be administered by a State agency which generally represents State and local correctional interests; contain a comprehensive statewide program plan which sets out needs, priorities, and construction and non-construction action plans to relieve overcrowding and improve confinement conditions in corrections facilities; assure that grant funds and property derived from such funds will be administered, held, and controlled by a public agency to be used for the purposes provided by this part; provide assurances that State or local government will, after a reasonable period of Federal assistance, pay, with non-Federal funds, any remaining or continuing construction, non-construction, or program costs of assisted projects; provide assurances that, to the extent practical, correctional facilities will be used for other criminal justice purposes if they are no longer used for the specific purpose for which they were built; assure that the State will take into account the needs and requests of local government and encourage the development of local projects; provide for an appropriately balanced allocation of funds between State and local governments based on requests and relative need; provide for appropriate executive and judicial review of actions taken by the State agency concerning applications or the awarding of funds to local government; assure that the assistance allocated under this part will not supplant but augment State or local funds; assure that the State is making diligent efforts consistent with public safety, to reduce overcrowding and improve programs and conditions of confinement in corrections facilities.

Section 707 requires basic criteria to be established by the BCJF to generally establish project priorities. The States should be accorded wide discretion in determining the priority of various projects and generally should consider: (1) the relative needs of an area within the State for facility assistance necessary to bring existing facilities into compliance with Federal or State law; (2) the relative ability of a local agency to support a correctional facility construction or modernization program; and (3) the extent to which a project contributes to an equitable distribution of assistance within the State.

Section 708 provides for a clearinghouse on the construction and modernization of criminal justice facilities. The Director of BCJF is authorized to enter into contracts with public agencies or private organizations to operate a clearinghouse on the construction and modernization of correctional facilities. The clearinghouse will develop, collect, and disseminate to the public and all interested persons state-of-the-art information on construction and modernization of correctional facilities. Since LEAA funding of the National Clearinghouse for Criminal Justice Planning and Architecture ended in 1979, there has been no comparable Federal research in criminal justice program planning and correctional facility responses.

Section 709 authorizes the Secretary of the Treasury to pay to State or local governments amounts necessary to reduce the cost of bond interest payments to five percent for qualifying issue obliga-

tions to finance the renovation or construction of corrections facilities. Payments are made only on the application of the issuer consistent with the criteria established for allocating funds under sections 706 and 707. If the issue includes the financing of a facility which includes non-corrections components, such as a public safety center, such project qualifies for assistance when substantially all of the proceeds are to be used to finance the corrections component of the project. Payments for qualifying issues may be made by the Secretary, in consultation with the Director, in advance, by installment and on the basis of estimates.

A State may receive a combination of grants and bond interest subsidies equal to, but not in excess of, each State's formula allocation. The subsidization of bond interest payments shall not affect the status of any obligation under section 103 of the Internal Revenue Code of 1954 governing excludability of governmental bond interest income nor shall it cause the interest on such an issue to be excludable only in part under Section 103.

Many jurisdictions faced with the critical need to renovate or replace antiquate prison or jail facilities have had close votes at the polls to approve correctional facility bond issues. Relatively modest interest subsidies will serve to support a significant number of prison or jail renovation or construction projects and enhance the likelihood that needed projects will be approved.

Section 710 broadly defines the term correctional facility to include any prison, jail, reformatory, work farm, detention center, pretrial detention facility, community-based correctional facility, halfway house, or any other institution designed for the confinement or rehabilitation of persons charged with or convicted of any criminal offense, including juvenile offenders. Construction, as used in this part, not only includes construction in its usual sense but also includes facility remodeling, extension, or acquisition and includes the preparation of drawings and specifications for facilities for which bond interest subsidies or grant assistance would be available. The inspection and supervision of construction are also included in the definition of construction. Their term does not include interest in land or offsite improvment.

PART H—DEFINITIONS

Section 801 provides definitions of terms, including "criminal justice," "unit of local government," and "criminal history information".

PART I—FUNDING

Section 901 provides appropriation authority through fiscal year 1987 to carry out the activities of the OJA, NIJ, BJS, and BJP and permits funds to remain available for obligation until expended. It authorizes such sums as necessary for the Public Safety Officers' Death Benefits and Emergency Federal Assistance programs. It provides such sums as are necessary for the Bureau of Criminal Justice Facilities under Part G for years ending September 20, 1984, 1985, 1986, and 1987 but under no circumstances shall those sums exceed $25 million in any year.

PART J—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

Section 1001 provides for payment of $50,000 to prescribed survivors of a public safety officer who dies from personal injury sustained in the line of duty. It establishes certain administrative procedures.

Section 1002 establishes the same limitations on the payment of benefits under this Act as under current law, and clarifies exceptions in prior legislative history that voluntary intoxication or gross negligence by an officer at time of death will bar benefits.

Section 1003 defines terms pertaining to eligible recipients of the benefit payment and establishes the definition of the term "intoxication" for the purposes of this Part.

Section 1004 authorizes the office to establish such rules and regulations as are necessary to carry out the purpose of this Part.

Section 1005 provides that the United States Claims Court shall have exclusive jurisdiction over these claims.

PART K—FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

Section 1101 authorizes the FBI Director to establish and conduct training for State and local criminal justice personnel at the FBI Academy at Quantico and to assist in conducting local and regional training programs at the request of a State or unit of local government.

PART L—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

Section 1201 authorizes the Attorney General to receive from the chief executive of any State an application for designation of that State or a part thereof as a "law enforcement emergency jurisdiction." The application will be evaluated according to criteria established by the Attorney General and published in the Federal Register.

Section 1202 provides that if an application for emergency designation is approved, Federal agencies are authorized to provide assistance for the duration of the emergency. Costs of such assistance may be paid by the Office of Justice Assistance from funds specifically appropriated for emergency purposes. OJA may also provide technical assistance, funds for the lease or rental of specialized equipment, and other forms of emergency assistance, except that no funds may be used to pay the salaries of local criminal justice personnel or otherwise supplant State or local funds. The Federal share of emergency assistance may be up to 100 percent of project costs.

Section 1203 defines certain key terms, as follows: "Federal law enforcement assistance" is defined as "equipment, training, intelligence information, and technical expertise." "Law enforcement emergency" means an uncommon situation in which State and local resources are inadequate to protect the lives and property of citizens or enforce the criminal law.

Section 1204 provides that the recordkeeping and administrative requirements applicable to other Office of Justice Assistance activities shall apply also to the emergency assistance program.

PART M—TRANSITION

Section 1301 provides for the continuation of rules, regulations, and instructions in effect at time of enactment. It permits the Assistant Attorney General to obligate unused or reversionary funds previously appropriated.

PART N—ADMINISTRATIVE PROVISIONS

Section 1401 authorizes the Attorney General to establish rules, regulations and procedures for the activities authorized under this Act.

Section 1402 gives the Office of Justice Assistance authority for grant termination and fund suspension for noncompliance with law, regulations, or grant terms. It establishes the authority and procedures in the Office for reconsideration of termination of a grant under this Act.

Section 1403 specifies the Office's final authority in determinations, findings, and conclusions under the Act.

Section 1404 grants the Office subpoena power and authority to hold and conduct hearings to discharge its duties under the Act.

Section 1405 gives the Office the personnel and administrative authority to fulfill its functions and duties under the Act.

Section 1406 specifies that title to personal property purchased under this Act shall vest in the agency or organization purchasing the property if it certifies it will be used for criminal justice purposes. If there is no certification, title vests in the State office with the property to be used for criminal justice purposes.

Section 1407 disclaims any interpretation of this Title to authorize agency or employee direction or control over any police force or other State or local criminal justice agency.

Section 1408 prohibits discrimination on the basis of race, color, religion, national origin, or gender in connection with any program funded under this Act. It provides a basis for civil action by the Attorney General and suspension of funds by the Office.

Section 1409 establishes recordkeeping requirements for the recipients of funds and gives authority to the Office and the Comptroller General to conduct audits.

Section 1410 continues provisions for the confidentiality of data and information collected, stored, maintained, or disseminated with support under this Act, including authority of Office to establish standards to protect confidentiality and individuals' privacy and constitutional rights of individuals.

Section 3 of the bill changes references in other laws from "OJARS" and "LEAA" to "Office of Justice Assistance."

Section 4 of the bill provides for compensation of the various Directors.

Section 5 of the bill expands the previous LEAA prison industry certification program from 7 to 20 projects and places authority in the Office. This section also exempts prisoner-made goods produced in a certified project from the restriction of 40 U.S.C. 11507.

VII. AGENCY VIEWS

The Administration endorsed the justice assistance proposal in testimony before the Subcommittee on Juvenile Justice on April 14, 1983.

The Department of Justice, in a letter to Chairman Thurmond on May 17, 1983, stated its opposition to the Dole/Specter corrections amendment but has accepted the other Committee amendments to the bill.

Statement of Stanley E. Morris, Associate Deputy Attorney General

Mr. Chairman, I am pleased to present the views of the Department of Justice concerning S. 53 and the proposed reauthorization of the Justice System Improvement Act.

As you know, the current programs authorized by the JSIA, including the criminal justice research and statistics programs, will expire on September 30th. Consequently, we share the Subcommittee's sense of urgency and commitment to the enactment of reauthorizing legislation. We also share your interest in designing a new Federal effort to assist State and local criminal justice agencies in their battle against violent crime and the criminal element responsible for a major portion of the serious crimes in our Nation.

Before I discuss the pending proposals for the future of the JSIA agencies, the Subcommittee may be interested in a brief review of the recent and current activities of the Bureau of Justice Statistics and the National Institute of Justice.

BUREAU OF JUSTICE STATISTICS

The Bureau of Justice Statistics has become the national repository of criminal justice information, either by initiating new statistical series or by assuming responsibility for ongoing data programs from other Federal agencies. Perhaps the best known BJS data program is the National Crime Survey, which provides victimization data on the extent and severity of crime in America and which is the third largest survey sponsored by the Federal Government.

In creating the Bureau of Justice Statistics, the Congress directed that attention be given to the problems of State and local justice systems. In addition to the scope and coverage of the national statistics, BJS meets this responsibility through cooperative agreement programs with State statistical analysis centers and uniform crime reporting agencies. The Bureau now supports a State statistical capability in over forty States which provides information services and policy recommendations on criminal justice matters to the Governors and legislatures of these jurisdictions. In addition, the Bureau assists the operation of uniform crime reporting programs, also in over forty States, in order to facilitate the submission and improve the quality of arrest and clearance data submitted to the Federal Bureau of Investigation by local police agencies.

After over a decade of developing criminal justice data bases, the Bureau is now placing its primary emphasis on the analysis, publication, and wide dissemination of the data. The Bureau now pro-

duces topical bulletins and reports to provide brief, concise, and non-technical interpretations of the key data bases; such publications include "Households Touched by Crime," "Characteristics of the Parole Population," "Sourcebook of Criminal Justice Statistics," "Crime and the Elderly," and "Violent Crime by Strangers."

In perhaps its two most important efforts, the Bureau is now supporting and directing evaluations of the Uniform Crime Reports program of the Federal Bureau of Investigation and its own National Crime Survey of personal and household victimizations. Implementation of the findings and recommendations of these assessments in 1985–1986 will enhance this Nation's two most important indicators of the extent and magnitude of crime behavior in American society.

NATIONAL INSTITUTE OF JUSTICE

The National Institute of Justice is the research arm of the Department of Justice. It conducts research, development, evaluation and dissemination activities aimed at increasing knowledge about the causes and control of crime and improving the effectiveness of the criminal justice system. During the past year, the Institute has made fundamental changes in the way it sets its research agenda in order to better bridge the gap between theory and practice. These efforts will continue under the Administration's reauthorization proposal.

In the spring of 1982, the Department began a process to better sharpen and focus its research programs by convening under the auspices of the National Academy of Sciences a panal to recommend priorities for research and to suggest how research could be better managed. The report prepared by the panel was widely circulated to criminal justice practitioners.

The panel report and the practitioner responses were reviewed and the conclusion was drawn that a very wide gulf had developed that needed to be closed if research was going to fulfill its real potential to influence criminal justice policy and decisionmaking. Further meetings were held between the Board and Institute staff members at Atlanta and New Orleans. The Institute's research agenda for the next two years is now being prepared on the basis of this advice.

The Institute also has undertaken several other initiatives designed to enhance the impact of research resources. In January of this year, a $1.8 million award was made to the Police Foundation to conduct an 18-month experiment in two cities designed to reduce the fear of crime in inner-city neighborhoods, preserve commercial vitality in these areas, and have an impact on the crime rate itself. Based in Houston and Newark, the project will involve citizens and police working together in formulating and implementing strategies to reduce the fear of crime and to test the premise that citizens can regain control of their streets and neighborhoods from the violent criminal.

Earlier, the results of the Institute's six-year study by the Rand Corporation on career criminals were released at the first Annual Repeat Offender Conference jointly sponsored by the Institute and the State of Maryland. This research corroborates earlier findings

that a relatively few offenders commit a larger amount of crime. The research provides evidence of the magnitude of crime committed by a relatively few violent predators. The study goes beyond existing knowledge in identifying some of the characteristics of these offenders that police, prosecutors, judges, and parole officials may ultimately be able to use to identify them and make more informed judgments about their disposition and treatment.

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Violent crime has been consistently shown to be a national problem of major proportions, both in the number of violent crimes committed annually and in the public perception of crime as a leading personal concern. The national news media have given unusual prominence to the problem of crime, heightening public awareness of its magnitude and sustaining the public's demand for effective action by government at all levels.

The burden of dealing with the so-called "fear crimes" falls mainly on State and local governments, which increased their expenditures for criminal justice by 146 percent during the 1970's. State and local governments account for 87 percent of the total expenditures for criminal justice, while the Federal Government accounts for 13 percent. Consequently, in periods of runaway inflation such as we experienced in the late 1970's and the difficult economic readjustment period of the early 1980's, the disparity between needs and available resources is magnified, particularly with regard to maintenance of the capacity for effective law enforcement.

In recognition of these factors, the Administration agreed, following meetings with Chairman Thurmond and Senator Specter, as well as members of the House, to endorse the concept of a highly targeted program of financial assistance to State and local criminal justice, operating within a new streamlined and efficient organizational structure. We agreed with the Senate and House members not to return to the past by resurrecting the former LEAA program of across the board "criminal justice improvement". Instead, the Administration endorsed a new program which would incorporate the lessons learned from the LEAA experience and sharpen the focus of the Federal effort, so that the limited available resources can be brought to bear on a focused number of high-priority objectives. Those objectives can be summarized as violent crime, victim/witness assistance, repeat offenders, and crime prevention. They are the focus of Title VIII of S. 829, the Comprehensive Crime Control proposal submitted by the President.

As presently structured, the assistance program merited wide-ranging criticism. It was too broadly targeted, providing funds for all aspects of the criminal justice system; bound in red tape generated by extensive, statutorily mandated administrative requirements; costly, because of both the complex funding formulas prescribed in the Act and the unrealistically ambitious objectives of the program; and cast in an inefficient and ambiguous administrative structure.

The State and local financial assistance portion of the Act, the old LEAA program, has been phased out. No funds for that activity

had been appropriated since fiscal year 1980. The prior history of LEAA, however, provides us with some important lessons. It shows, for example, that after the expenditure of $8 billion over 12 years, money alone was not the answer to the problem of crime. It demonstrated that a program whose priorities were unclear and constantly shifting resulted in scattershot funding with minimal payoff. And the history indicates that overly detailed statutory and regulatory specification produces mountains of red tape but little progress in the battle against crime.

On the positive side, we have learned that the concept of Federal seed money for carefully designed programs does work and can result in a high rate of cost assumption by State and local governments: that a small amount of Federal money can be an invaluable resource for innovation at the State and local levels.

The Administration proposal submitted to Congress on March 16th is designed to reflect an appreciation for these lessons and to embody the program concepts agreed upon last year in the discussions between members of the Senate, the House and representatives of the Administration. Moreover, evidence of the durability of the Administration's commitment can be found in the fiscal year 1984 budget proposal submitted to the Congress last month. The President's budget requests $90 million to carry out such a program. With funding, thus assured, together we can agree on authorizing legislation.

The Administration proposal would establish an Office of Justice Assistance (OJA), headed by an Assistance Attorney General. Within this Office would be three separate units—the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ), and a new Bureau of Justice Programs (BJP)—each headed by a director appointed by the Attorney General. The directors would be responsible for the day-to-day management of their units and would have grantmaking authority, subject to the delegation, coordination, and policy direction of the Assistant Attorney General. LEAA and the Office of Justice Assistance, Research, and Statistics would be abolished.

Both the National Institute of Justice (NIJ), and the Bureau of Justice Statistics would continue to carry out justice research and statistical programs as authorized in the current statute. The Bureau of Justice Programs would administer the new technical and financial assistance program.

Advising the Assistant Attorney General would be a Justice Assistance Advisory Board appointed by the President. This board, replacing the two separate boards advising NIJ and BJS, would consider the full range of criminal justice issues and policies, rather than the compartmentalized consideration of only research, statistical programs, or the financial assistance needs of the criminal justice community.

Under the Administration's proposal, the BJP would have the responsiblity to provide technical assistance, training and funds to State and local criminal justice and nonprofit organizations. This assistance would be provided through a combination of block and discretionary grant funds.

Under the block grant provision, each State would receive an allocation based on its relative population with the requirement that

a proportional share of the funds be passed through to local governments. The Federal funds would be matched 50/50 and individual projects would be limited to no more than three years of Federal assistance. The use of these funds would be limited to specific types of activities based on program models with a demonstrated track record of success.

The discretionary funds would focus on technical assistance, training and multijurisdictional or national programs, all related to the same objectives specified for the block grant funds. In addition, discretionary funds may be used for demonstration programs to test the effectiveness of new ideas.

The Administration proposal strips away the complex and burdensome application submission and review processes required under the current legislation. It retains only those administrative provisions necessary to exercise appropriate stewardship over public funds and to assure that the funds are being effectively used for the purposes identified in the proposal.

The Administration bill would also require a single, comprehensive annual report and it would establish an emergency assistance program to aid State or local jurisdictions confronted by unique law enforcement problems.

I hope, Mr. Chairman, that you recognize in my description of the Administration proposal the many similarities it bears to H.R. 3963, passed by both Houses of Congress late in the previous session. There also are similarities to S. 53; but there are also important differences.

S. 53

There are four principal areas in which the Administration proposal differs from S. 53: organizational structure, program focus, the fund distribution procedure, and the administrative burden. We believe that S. 53 could be streamlined and simplified in each of these respects.

Under S. 53, there would be established within the Department of Justice four separate, relatively independent units, each headed by Presidentially appointed directors. In the Department's view, this top-heavy and fragmented administrative structure is inappropriate for a modest research, statistics and financial assistance program. Moreover, there is no effective mechanism established by the bill to provide coordination among these activities; no linkage between the products of research or statistical analysis and the program implementation function of the assistance unit.

It is the Department's firm belief that by establishing these activities within a single unit, headed by an Assistant Attorney General, the programs can achieve both a functional coherence and recognized status within the criminal justice community.

We envision, for example, that the Assistant Attorney General will be able to establish effective communications with the Law Enforcement Coordinating Councils (LECCs) established by the U.S. Attorneys throughout the Nation at the direction of the Attorney General. These Councils composed of Federal, State, and local law enforcement officials, can provide an invaluable service in helping to identify priorities for research and project implementation

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under the justice assistance program. With their front-line experience in the day-to-day battle against crime, LECCs are in a unique position to identify areas of need in State and local criminal justice and to spot those projects that either work or do not work.

As I noted previously, the Administration proposal would target Federal resources on violent crime, repeat offenders, victim/witness assistance, and crime prevention. Unlike the former LEAA program which attempted to "improve the criminal justice systems" at the State and local levels, the Administration's approach is to focus on those specific areas where modest resources can have a significant impact. S. 53, however, includes among eligible activities the full range of justice issues, including programs relating to speedy trials, sentencing reform, coordination of justice system activities and white collar crime. While the Department recognizes these and other issues to be matters of concern, we believe the past experience with the LEAA program is ample evidence of the need for a narrow focus to the financial assistance program.

The Administration also supports the concept of block grants to the States as a means of allowing the States and localities to identify and set their own priorities from among the eligible project categories. This funding mechanism was contained in H.R. 3963 of the 97th Congress and is included both in the Administration proposal and in the bill currently pending in the House Judiciary Committee. S. 53, on the other hand, would establish two categorical grant programs—one called the National Priority Implementation and Replication Programs, and the second called the Discretionary Grants program. Both would be awarded by the Federal agency directly to the applicant, which could be a State or unit of local government, or a non-profit organization. The administration of such grants, involving thousands of applicants annually, would require a Federal bureaucracy far in excess of the 128 employees currently authorized for the Office of Justice Assistance, Research and Statistics, and commensurate increases in the administrative costs. It should also be noted that S. 53 does not provide for the division of appropriated funds between the National Priority program and the Discretionary Grants program.

The Administration is also concerned by the provisions in S. 53 which would provide for two, three, and even four-year grants with varying match ratios. As proposed, the formula encourages four-year applications while discouraging one or two-year projects, because the Federal share is greater in the first two years of a four-year project: 90 percent and 75 percent respectively. Not only would such a formula require intensive and expensive monitoring and accounting by the Federal agency, it raises the prospect of grantees cancelling a project after the second year of a four-year grant, benefiting from a 65 percent Federal/35 percent local share, while a two-year grant would have required 50/50 match. It should also be noted that S. 53 does not appear to require that the applicant's share of the project be provided in cash. Thus, "soft" or "in kind" match may be authorized under the bill. Past experience indicates that permitting matching funds to be provided in forms other than cash can lead to creative bookkeeping and auditors' nightmares.

Finally, we believe that the red-tape burden at both the Federal and the State/local levels can be significantly reduced. S. 53 retains the complex evaluation, hearing and appeal, and similar administrative provisions which are not warranted by a relatively small categorical program. Moreover, the bill requires four separate annual reports and would call for parallel and redundant support structures for each of the affected units—NIJ, BJS, OJA and the Office of Juvenile Justice and Delinquency Prevention. Each would be granted separate and distinct authorities and responsibilities for civil rights compliance, personnel, guideline and regulation development, privacy and security requirements, accounting and financial management, and other matters. The Department of Justice strongly believes that these responsibilities and functions should be consolidated, streamlined, and placed under authority of a single Presidential appointee at the level of an Assistant Attorney General.

Mr. Chairman, those are the principal significant differences in the approach to State and local assistance taken by S. 53 and the Administration proposal, S. 829. While we share with you a strong interest in establishing an effective program to bolster State and local efforts to fight crime, we are convinced that the mechanisms defined in the Administration proposal have the greatest potential for impact.

I will be pleased to respond to any questions you or other members of the Subcommittee may have.

Department of Justice Responses to Written Questions Following the Testimony of the Associate Deputy Attorney General Before the Subcommittee on Juvenile Justice

JUSTICE SYSTEM IMPROVEMENT ACT

1. Enacting the Justice System Improvement Act of 1979, the Congress was concerned about bureaucratic structure and sought to streamline assistance activities. What is to protect against the new Assistant Attorney General for Justice Assistance becoming a layer of bureaucracy delaying funding decisions and disrupting the assistance, research, or statistics programs?

The organizational structure established by the Justice System Improvement Act of 1979 was intended to administer programs for which $800 million were authorized. The targeted program proposed by the Administration will operate at a fraction of that amount and does not require the elaborate administrative structure provided in current law.

The Assistant Attorney General will directly bear the responsibility for effective management of the activities authorized by the Act and, as the central administrative authority, can supervise, coordinate, and expedite the assistance, research, and statistics programs much more effectively than is the case under a fragmented and compartmentalized organization.

2. Under the Department's proposal, who will be responsible for setting funding priorities and making grant decisions?

Funding priorities under the block grant provisions of the proposal are established in Section 501 of the Act. Discretionary grant

priorities are to be established annually by the Bureau of Justice Programs, as provided in Section 602. Individual grant decisions would be made by the Directors of the units, subject to the coordination of the Assistant Attorney General, which would encourage cooperation among the agencies, avoid duplication of effort, and enhance accountability and responsibility for the expenditure of public funds.

3. How will the Department's proposal change the functions and responsibilities of the heads of the NIJ, BJS, and the new assistance office from those provided by the Justice System Improvement Act?

The functions and responsibilities of the heads of NIJ, BJS, and BJP would be essentially unchanged, except that they would be subject to coordination and policy guidance from the Assistant Attorney General.

4. Specifically, what management problems has the Department found with organizational structures established in the Justice System Improvement Act?

The organizational structure provided in the Administration proposal was designed, not to address "management problems" experienced under current law, but rather to avoid costly fragmentation that would be produced by the administrative arrangements specified in other justice assistance proposals before Congress. The Office of Justice Assistance, Research, and Statistics, which currently provides some degree of coordination and consolidation of support services, would be abolished. The Administration proposal would continue and strengthen the coordination function under an Assistant Attorney General.

In addition, the Assistant Attorney General can perform the essential functions of: (1) providing coordinated policy direction to the research, statistical and financial assistance thrusts; (2) serving as liaison between the Department of Justice and the research and criminal justice communities; and, (3) interpret the needs of State and local law enforcement to the highest policy levels of the Department.

5. Have the Directors of BJS, NIJ, and OJARS been able to work together and coordinate their program activities?

Because of the limited role provided OJARS under the current Act in relation to the independent authority of NIJ and BJS, effective coordination has been difficult to achieve with each unit tending to go in separate directions and sometimes duplicating efforts and grantees.

PROGRAMS OF PROVEN EFFECTIVENESS

1. Does the Department consider white collar crime enforcement activities as having been proven effective?

White collar crime takes many forms, including insurance fraud, computer crime, embezzlement, securities fraud, and other clandestine methods of economic crime. Projects focusing on the prosecution of consumer fraud have been evaluated as highly successful, however, the testing of methods dealing with other forms of white collar crime have not produced definitive results.

2. Would the Department support adding white collar crime and public corruption to the list of programs of proven success?

Section 501(a)(12) permits the addition of programs to address critical problems of crime which have been certified by the Director as having proved successful or which are likely to succeed. Thus, expansion of the list of authorized activities beyond those currently listed is unnecessary.

3. Among the authorized expenditures of the Part E State block grants are not only programs of proven effectiveness, but also innovative programs that are "likely to prove successful". Virtually identical language is used by the Department to describe programs eligible for discretionary grants under Part F. What is the rationale for this overlap?

The language in the Administration proposal was taken directly from S. 53, as introduced, and is intended to permit States and localities some flexibility in implementing projects beyond those otherwise prescribed by the Act and, similarly, to permit the Bureau of Justice Programs to identify and designate new programs which may be developed through NIJ research or local initiative.

4. Under the discretionary grant Part F program, the Federal Government is authorized to fund projects such as those authorized as proven effective under the block grant. Why this overlap?

The discretionary grant provision refers to "national or multistate" projects which address "the purposes specified" in the block grant section of the Act. It is similar to Section 501(3) of S. 53, as introduced. The objective of the provision is to permit and foster multijurisdictional and national projects which would not normally be funded by States or localities with block grant funds.

5. Should not the limited research and development funding be insulated from dilution if its potential is to be best realized?

The Administration proposal provides a discrete appropriation authority for the NIJ's research and development activities. We are not aware of any potential for "dilution".

6. Of what priority are programs directed at serious and violent juvenile offenders?

7. What amount of the funding for the proven effective program does the Department expect to be devoted to programs directed at serious and violent juvenile offenders? What amount of innovative program funding?

(6 and 7) The priorities assigned and the proportion of funds devoted to the various eligible program activities will be determined by the States and localities in the formulation of their applications for block grant funds. Basic to the block grant funding process is the concept that the criminal justice agencies at the State and local levels are in a better position to determine needs and establish priorities than is the Federal administering agency.

8. Is there a problem developing from the difference between the beginning of the fiscal years of the States (generally July 1) and the Federal Government (October 1) with regard to program initiation and funding?

Problems arising from the differences between the Federal budget cycle and the fiscal periods of some of the States can be avoided by early enactment of the assistance program and giving the States adequate "lead time" to prepare for implementation.

Moreover, the targeted nature of the Administration's proposal and elimination of the complex planning requirements of current law will permit States and localities to select from among the eligible program activities those projects for which matching funds are most readily available in their then-current budgets.

9. Specifically, will the TASC programs be adversely affected?

Inasmuch as TASC programs have not been federally funded for the past two years, we do not anticipate any adverse affect. On the contrary, enactment of the Administration proposal would authorize funding for TASC programs.

10. Are State criminal justice planning capabilities likely to be adversely affected by the staggering of fiscal years?

The Administration proposal would eliminate the requirement in current law for the statutory establishment of State criminal justice planning agencies, although those States with such agencies are free to utilize them as they see fit. The proposed legislation would impose no requirement on State planning agencies and is not expected to affect them in any way.

11. What action does the Department recommend to preserve TASC, other programs and criminal justice planning capabilities in the States until Federal assistance becomes available?

The question appears to be based on a misreading of the Administration proposal and a misunderstanding of the current situation regarding TASC.

There is no existing Federal program of assistance to TASC projects; thus, action to "preserve TASC" is beyond the realm of the Department's purview. Similarly, no Federal funds in support of the States' comprehensive criminal justice planning functions have been appropriated since fiscal year 1980 and, in many States, that planning capability no longer exists. Moreover, the Administration's bill does not retain the comprehensive planning requirements of current law. Consequently, the maintenance of justice planning capabilities is a matter for determination by the individual States.

VIII. REGULATORY IMPACT STATEMENT

Pursuant to paragraph 11(b), Rule XXVI of the Standing Rules of the Senate, it is hereby stated that the Committee has concluded that this bill will have no direct regulatory impact. The agencies created are funding agencies and have been specifically designed to prevent any significant regulation of the beneficiaries and is expected to issue funding guidelines and selection criteria to help it select the best possible recipients of Federal funding. In addition the Office may prescribe the keeping of records and the provision of audits, with respect to funds provided by grants, contracts or interagency agreements. Other fiscal and narrative reports may be required as it is deemed necessary from any grantees, contractors, persons, or entities receiving assistance under this Act.

This Act will not have effect on the personal privacy of individuals.

IX. COST OF LEGISLATION

In accordance with paragraph 11(a), Rule XXVI of the Standing Rules of the Senate, the Committee offers the following report of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 1, 1983.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 53, the Justice Assistance Act of 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

C. G. NUCKOLS
(For Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 53.
2. Bill title: Justice Assistance Act of 1983.
3. Bill status: As ordered reported by the Senate Committee on the Judiciary, June 16, 1983.
4. Bill purpose: S. 53 amends the Omnibus Crime Control Act of 1968 by reauthorizing a number of existing criminal justice grant programs and by providing authorizations for several new programs within the Office of Justice Assistance for fiscal years 1984 through 1987. Except for the new Office of Criminal Justice Facilities, no specific authorization levels are contained in the bill.

Such sums as may be necessary are authorized for the Emergency Law Enforcement Assistance program, which provides aid to State and local governments experiencing unusually difficult law enforcement problems. Federal law enforcement agencies have provided emergency assistance to State and local governments in the past by using existing authorizations; however, this bill marks the first time that funds have been authorized specifically for this purpose.

The bill also creates the Bureau of Justice Programs within the Office of Justice Assistance. The Bureau is to administer formula and discretionary grants to States and localities for law enforcement projects of proven effectiveness that focus primarily on violent crime and serious offenders. In addition, S. 53 changes current grant allocation formulas. The Office of Community Anti-Crime Programs, which used to administer grants to citizens and community groups, is not reauthorized under the bill.

The Office of Criminal Justice Facilities is established within the Office of Justice Assistance. This office is authorized to provide not more than $25 million a year for fiscal years 1984 through 1987 to State and local governments for construction or renovation of cor-

rectional facilities. These governments may choose to receive this assistance in interest subsidies for bond issues or in direct grants.

Finally, the bill reaffirms the permanent authorization of such sums as may be necessasry for the Public Safety Officers Death Benefits program. Because the bill does not alter the law currently governing the public safety officers benefits program, this estimate does not reflect any change in the program's funding.

5. Estimated cost to the Federal Government: The estimated budget impact of the authorizations in this bill is summarized below. The estimates do not include amounts for formula and discretionary grants to State and local governments, because no specific sums are authorized and there is no basis for projecting the scope of the program.

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
Estimated authorization level	66	68	70	73	1
Estimated outlays	21	52	64	70	52

The costs of this bill fall within budget function 750.

BASIS OF ESTIMATE

National Institute of Justice and Bureau of Justice Statistics

S. 53 authorizes such sums as may be necessary to continue the activities of the National Institute of Justice and the Bureau of Justice Statistics for fiscal years 1984 through 1987. The authorization levels estimated by CBO represent the funding necessary to maintain 1983 program levels and services in future years, as represented by the CBO baseline projections. Actual 1983 appropriations to date have totaled $21 million for the National Institute of Justice and $17 million for the Bureau of Justice Statistics. Estimated outlays are based on historical spending patterns.

Office of Criminal Justice Facilities

The bill authorizes up to $25 million in each of the next four years for grants or bond interest subsidies to State and local governments for construction or renovation of correctional facilities. For purposes of this estimate, CBO assumes that the full amounts authorized will be appropriated. Estimated outlays are based on historical spending patterns for prison construction. CBO assumes no significant difference in the timing of outlays as a result of the provision allowing States and localities to choose to receive aid either in the form of bond interest subsidies or in the form of direct grants.

Emergency law enforcement assistance

The bill authorizes such sums as may be necessary for emergency law enforcement assistance to States and localities experiencing serious problems with crime. Based on the levels of nonfinancial assistance provided in recent years, CBO estimates that $1 million a year will be required during the 1984 through 1988 period for

emergency assistance. An example of this assistance is the Federal support provided to Atlanta during the series of child slayings that occurred in that city in 1981.

Bureau of Justice programs formula and discretionary grants

S. 53 authorizes such sums as may be necessary for formula and discretionary law enforcement grants to State and local governments. CBO is unable to estimate the budget impact of this provision, however, because the bill provides no specific authorization levels, and because no funds have been appropriated for these programs in recent years. The President's 1984 budget includes $92 million for these grants in fiscal year 1984.

Per diem compensation, expenses, and staff support for members of the Office of Justice Assistance advisory board are estimated to be $300,000 annually over the next four fiscal years, based on spending for similar advisory boards in recent years.

6. Estimated cost to State and local governments: State and local governments will incur various costs if they choose to participate in Office of Justice Assistance law enforcement grant programs. The level of effort required of these governments is dependent on the type of grant. State and local governments' administrative costs are not expected to rise significantly as a result of the grants, since these governments already have personnel administering similar grant programs.

Formula grants.—State and local governments are required to contribute in cash 50 percent of the costs of projects eligible for formula grants. Formula grants to Indian tribes, however, may finance up to 100 percent of project costs. Federal aid is limited to no more than three years.

Discretionary grants.—Discretionary grants may fund up to 100 percent of a project's costs for three years, but State and local governments will incur 50 percent of the costs if Federal funding for projects is extended for an additional two years. States and localities may use funds from formula grants or other Federal or non-Federal sources to cover their share of the extended project cost. Total costs to States and localities will depend on the amount appropriated for discretionary grants.

National Institute of Justice and Bureau of Justice Statistics.—The National Institute of Justice and Bureau of Justice Statistics are authorized to provide State and local governments and nonprofit institutions with grants covering up to 100 percent of the cost of a law enforcement research project. However, the director of each agency may require the participating organization to contribute financial or nonfinancial resources to a project as a condition for receiving aid. The cost of this provision to State and local governments, is dependent on the actions taken by the National Institute of Justice and the Bureau of Justice Statistics regarding matching fund requirements.

Prison Construction Aid.—S. 53 authorizes direct grants or bond interest subsidies of up to $25 million annually to State and local governments for prison construction and renovation. If participating governments choose to receive aid in the form of grants, matching expenditures by State's and localities will total $25 million a year between 1984 and 1987, since the grants have a 50 percent

matching requirement. Some or all of these amounts might be spent by States and localities in any event.

7. Estimate comparison: None.

8. Previous CBO estimate: On April 15, 1983, CBO prepared a cost estimate for H.R. 2175, as ordered reported by the House Committee on the Judiciary, April 6, 1983. Unlike S. 53, H.R. 2175 set specific authorization levels for its law enforcement grant programs. Authorizations in the House bill included $170 million for formula and discretionary grants, $25 million apiece for the National Institute of Justice and Bureau of Justice Statistics, and $20 million for emergency financial assistance. Another difference between the bills involves timing. The House bill authorized funding beginning in 1983, while the Senate bill authorizes appropriations beginning in fiscal year 1984. Finally, H.R. 2175 did not authorize prison construction and renovation grants. Differences in the cost estimates reflect these differences.

9. Estimate prepared by: Charles Essick, Carol Camp.

10. Estimate approved by: C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

X. VOTE OF THE COMMITTEE

On June 16, 1983, a quorum having been constituted, the Committee on the Judiciary met in Executive Business Session and by voice vote agreed to report S. 53 as amended favorably to the Senate with the recommendation that the bill do pass.

XI. ADDITIONAL VIEWS

ADDITIONAL VIEWS OF SENATORS BIDEN, KENNEDY, METZENBAUM, DECONCINI, BAUCUS, HEFLIN

As strong supporters of the need for a Justice Assistance Program we regret that there is not currently a program in place and providing grant funds to State and local criminal justice agencies.

In January 1983 President Reagan vetoed a carefully constructed bipartisan crime bill. In the Senate and House, both parties had agreed to a specific agenda and through discussion and compromise a responsible bill was sent to the President's desk.

One provision of the bipartisan crime bill called for the reestablishment of a focused Justice Assistance Program. The Administration did not object to the bipartisan version for Justice Assistance that was a part of the vetoed crime bill.

This justice assistance bill that we reported out of the Senate Judiciary Committee is a new version from what was sent to the President in January 1983 and is very different from the bill that passed out of the House by a vote of 277–19 on May 10, 1983.

Our concern is this. Why are we marking up in Committee and eventually on the Senate floor a new version of Justice Assistance? Once again it seems politics prevail while the American people suffer. We all agree that State and local criminal justice agencies will benefit from a targeted assistance program that will provide grant funds for programs of proven success. We agreed to that last December.

However, now we have a new version of justice assistance drafted by the Administration. Where was the Administration's support and proposal for this in 1981 when our colleagues on both sides of the aisle were calling for a reestablishment of the Justice Assistance Program? We have delayed this long enough. We need to move swiftly in getting a Justice Assistance Bill enacted into law.

We are wasting time arguing about the various versions, be it the Republican or Democratic version when we already agreed on this last December.

In an effort to move as quickly as possible and get this program up and running we proposed in the Judiciary Committee the exact language that was agreed to last year. That compromise version would have avoided any further and unnecessary delay in moving this bill through the Senate and then conference with the House. We lost on that vote 9–8.

As many of us have said before, there has been too much rhetoric and not enough action on the crime issue. Quibbling over the House bill or the Administration's latest version is ridiculous when only 5 months ago we had an agreed upon bill sitting on the President's desk. Instead of talking about reestablishing an assistance program, let's do it!

JOSEPH R. BIDEN, Jr.,
EDWARD M. KENNEDY,
HOWARD M. METZENBAUM,
DENNIS DECONCINI,
MAX BAUCUS,
HOWELL HEFLIN.

ADDITIONAL VIEWS OF SENATOR MATHIAS ON S. 53

I am pleased that the Judiciary Committee is reporting S. 53, the Justice Assistance Act, as amended. Prompt passage by the Senate would be the most concrete expression possible of our commitment to help States and localities to fight crime. I am also glad that, from a relatively early stage, the Administration has lent its support to this bill. I am confident that with continued cooperative efforts, we can rapidly achieve the reauthorization of the Bureau of Justice Statistics and the National Institute of Justice, and the enactment of statutory authority for effective programs of justice assistance.

However, I am constrained to note that in one respect the bill which we now report represents a step backwards, one which I hope we will revers at a later point in the legislative process. I refer to the issue of the autonomy of the research and statistics functions within the overall justice assistance program.

When Congress passed the Justice System Improvement Act (JSIA) in 1979, it created independent offices to conduct research and compile statistics on criminal justice issues. Under the JSIA, both the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS) are headed by Presidential appointees; the directors of both agencies report directly to the Attorney General, and have final authority to enter into contracts or cooperative agreements, and to make grants. The bill which we now report subsumes NIJ and BJS under the authority of an Assistant Attorney General in charge of the Office of Justice Assistance. The directors of the agencies would be appointed by the Attorney General, without the advice and consent of the Senate, and would have "sign-off authority" only as delegated by the Assistant Attorney General.

This bill's reversion to an administrative structure similar to that which prevailed before enactment of the JSIA may appear, from a distance, as an efficiency measure; and opposition to it may look like a skirmish in a bureaucratic turf battle. But I believe that more is at stake here, and that in diminishing the autonomy of the research and statistics functions we are taking a misstep.

The present administrative structure was deliberately designed in an attempt to avoid problems which had been encountered under previous organizational arrangements. In its report on the JSIA legislation, this Committee cited the results of several comprehensive studies of the LEA criminal justice research effort, and concluded that "to be most effective, the research branch must have a considerable degree of independence." One such study, conducted by the National Academy of Sciences, found that "lack of autonomy" was "one of the most significant causes" of the shortcomings of NIJ's predecessor organization. Similarly, the same report explained that the director of BJS needed to be a Presidential appointee, with sign-off authority, "in order to protect (BJS)

from pressures which could affect the credibility and validity of its statistics." See Senate Report 96–142, 96th Congress, 1st Session (1979), at 50.

The Administration refers to the present structure as a "'Rube Goldberg' management structure," and characterizes it as "fragmented and uncoordinated." There may be some accuracy to these descriptions, but I am not convinced that the relative autonomy of NIJ and BJS contributes in any significant way to administrative problems within the justice assistance programs. But even if the current structure is not a model of efficiency, the Administration's proposal, which we now endorse, gives short shrift to another value which ought to be near the forefront of our concern: public and professional confidence in the neutrality and authoritativeness of justice research and statistics supported or compiled by the Federal Government.

Organizations representing the social science professions most directly affected are unanimous in their opposition to the proposed downgrading of BJS and NIJ. For example, a lengthy statement submitted on behalf of the Consortium of Social Science Associations (COSSA) by nine social scientists, including several recognized leaders in the field of criminal justice research, surveys several Federal agencies in order to contrast "the success of autonomous (research) units and the difficulties of those units that have been excessively responsive to mission-oriented agencies." The COSSA statement concludes:

> We believe that much useful research can be developed from within the Department of Justice. But such research will be meaningful only if the research funding agency supports excellent, as well as policy relevant, research. Excellent research requires the knowledge and skills of trained researchers, placed in positions where their judgments are significant in the decision process. That can only be achieved, in our judgment, in the DOJ context if research is organizationally autonomous, if research quality and cumulativity are ensured by the full participation of knowlegeable scientists, and if a sound partnership is established—in a cooperative rather than hierarchical relationship—between the National Institute of Justice and the other branches of the Department of Justice.
>
> The position adopted here applies equally to the Bureau of Justice Statistics. It too should be accorded the autonomy needed to insulate its methods and product to ensure accuracy, objectivity, and freedom from even the suspicion of distortion.

Similarly, the Council of Professional Associations on Federal Statistics, a consortium of twelve organizations, has expressed concern that the proposed changes "would be detrimental to the effective functioning of BJS."

Several experts in the field of criminal justice research and statistics have contracted me to express similar views, which are cogently summarized in a letter from Dr. Charles F. Wellford, Director of the Institute of Criminal Justice and Criminology at the University of Maryland. Dr. Wellford writes that the

> important structural changes [implemented by JSIA] have led to significant improvements in the operation of criminal justice research and statistical programs at the federal level * * * [S]tatistical information and research, in order to have the kind of credibility that is desired for them, must exist in an agency that is and is perceived to be independent.

In Dr. Wellford's view, the changes contained in the bill we now report

> would have the effect of reducing the autonomy of the research and statistical functions and would at a minimum create the impression that the agencies were producing research and statistics that would reflect partisan interests. Under [S. 53, as reported] BJS and NIJ would be much more susceptible to the influence of short range political interests and less responsive to the long-term goals that Congress has established for those agencies.

In its present form, S. 53 also casts doubt upon the status of the incumbent directors of BJS and NIJ. It is not clear whether the Administration will respect the action of the Senate in confirming these officials in their current positions, by reappointing them under the new structure. In any event, it is clear that, if the Justice Assistance Act is enacted in the form which we now report, this status as Presidential appointees, which no doubt was an incentive to the directors to accept their nominations, will be gone.

Justice research and statistics are vital components of the overall effort to commit Federal resources where they will do the most good in the fight against crime. Federal programs in these fields must, in reality, be independent, objective, scientific, and insulated from political pressure. Of equal importance, the public and the professions involved must perceive that research and statistical projects have been impartially designed, conducted, and reported. By turning our backs on the improvements made four years ago, and by diminishing the autonomy of BJS and NIJ, we may make that reality harder to achieve, that perception harder to maintain. In the long run, we may find that any economies obtained by this reorganization are dwarfed by the effects of a loss of public confidence in Federal justice research and statistics.

ADDITIONAL VIEWS OF SENATOR ROBERT DOLE

Senators Thurmond and Specter are to be commended for holding early hearings this year and for moving quickly to markup of S. 53 to provide for the continuing authorization and restructuring of the Federal justice assistance effort.

This Senator believes that redirecting the thrust of justice assistance by encouraging promising and proven programs and strategies which target repeat and violent offenders, victim/witness assistance and crime prevention programs, represents a wise allocation of Federal resources. Likewise, the retention of strong research, statistics and technical assistance efforts continued through the Bureau of Justice Statistics and the National Institute of Justice will ensure that the dimensions of the crime problem are adequately described and analyzed and that effective anti-crime measures are identified and evaluated.

Unfortunately, the war on crime is being waged behind a battle line of dangerously overcrowded and antiquated prisons and jails. The Federal Government can no longer fail to address in a significant manner the crisis presented by our Nation's crumbling prison and jail infrastructure. While I agree that State and local jurisdictions must ultimately bear the lions share of the extremely heavy costs associated with the construction, renovation and operation of correctional facilities. This Senator strongly believes that the Federal Government should be prepared to dedicate the kind of energies and resources toward aiding the States in renovating our failing prison and jail infrastructure as have traditionally been reserved for sewer, airport, highway and other public works. Toward that end I introduced S. 186, the Criminal Justice Construction Reform Act in the 97th Congress and S. 901, the Justice Assistance Act of 1983, both of which contained a significant Federal commitment to aid the States in renovating and constructing desperately needed prison and jail facilities.

The addition of new Part G to S. 53, creating the Bureau of Criminal Justice Facilities, represents at least an important Federal commitment to providing a structure within which significant assistance for prison and jail facilities can be provided as increased revenues become available. While there is no simple linear Federal equation that can be applied by all the States in solving their diverse correctional facility needs, the establishment of the BCJF does, however, provide a vital framework within which the Federal Government can greatly assist the States in developing and implementing effective strategies and solutions.

The Bureau of Criminal Justice Facilities will render vital aid to the States through the leverage of bond interest subsidies, limited grants, technical assistance from the Clearinghouse for Criminal Justice Facilities Construction and Modernization and, important-

ly, through support for development of State needs assessment and action plans to upgrade dangerously deteriorated penal systems.

Another indirect but significant benefit to the States accrues from the manner in which eligibility is achieved for receiving assistance under Part G. The preparation of a State's needs assessment and action plan, contemplated by Section 706, dovetails effectively with a legal defense increasingly raised against the present flood of prisoner lawsuits challenging substandard prison conditions and unlawful overcrowding. States have found that the courts, in some cases, have been receptive to a defense, in conditions of confinement lawsuits, that they have undertaken "some acceptable beginning" toward eliminating unlawful prison conditions. The preparation and step-by-step implementation of State corrections plan, as contemplated by Section 706, represents an important first step in asserting the defense of "some acceptable beginning." While this defense does not alleviate the ultimate need for a State to remedy unlawful conditions, by developing a State plan, officials are in a much better position to avoid contempt citations or the imposition of a court mandated and controlled master plan. The assistance contemplated by the act significantly serves to encourage and integrate a careful statewide planning effort into the corrections environment that is now pervaded by a reactive-fire-fighting, rather than proactive-fire-prevention style of planning and management.

The Committee recognizes that the construction and renovation of correctional facilities is a critical element in the universe of solutions to prison overcrowding. Most innovative solutions being applied today to problems with overcrowding require a system-wide response by all criminal justice agencies and other branches of government. These approaches emphasize the use of flexible coordinated and system-wide construction and non-construction responses to corrections problems and focus on a concept of advanced practices in correctional facility planning, design, materials, operations and programs. The concept of advanced practices relies on careful integration of innovative facility design with program needs. The incorporation of advanced practices into State plans is an important element in insuring that assisted facilities and projects can not only meet minimum constitutional mandates, but that they can incorporate a flexible, efficient and system-oriented response to corrections problems without undue dependence on antiquated and expensive hardware approaches. Many proven and promising advanced practices have been developed, applied, evaluated and catalogued by the now dormant Clearinghouse for Criminal Justice Planning and Architecture which was supported by LEAA until 1979. The Clearinghouse materials, although now dated, are still relied on widely and considered as authoritative by criminal justice planners and practitioners. The Clearinghouse provided technical assistance nationally and internationally on many projects and was widely recognized as the preeminent resource for criminal justice planners, architects, and practitioners. The high level of expertise formerly available to the criminal justice community under the Clearinghouse will be reconstituted under the BCJF.

Many of the system-wide solutions to the overcrowding dilemma involve courts, prosecutors, police, legislators and other officials.

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Non-construction assistance involving all of these players have also been promoted by the National Institute of Corrections through its training and technical assistance, grant and clearinghouse efforts which will compliment the role of the Bureau of Criminal Justice Facilities.

It should be remembered that while Federal assistance to local law enforcement under LEAA represented only a small fraction of local expenditures, that such assistance, on the whole, significantly aided in advancing the efficiency, professionalism, cooperation and effectiveness of law enforcement generally.

With the limited funds now available for the BCJF, the most effective channeling of funds would be directed toward conducting the agencies clearinghouse function and encouraging States to develop State plans. Funds for bond interest subsidies will also effectively leverage a number of significant State or local renovation or construction projects off the drawing boards.

Testimony before the Senate Judiciary Criminal Law Subcommittee on S. 186, during the 97th Congress, amply demonstrated that massive construction resources are necessary to salvage our Nation's decaying prisons and jails. Considering that the States are expending nearly a billion dollars a year for corrections facilities, the modest funding contemplated by this legislation should primarily serve to encourage a careful review of statewide corrections problems and policies in a construction and non-construction context, and stimulate innovative system-wide facility planning to resolve those problems.

This Senator and others have introduced legislation targeting several billions of dollars as a meaningful Federal share toward the building and rebuilding of our Nation's prisons. Unfortunately, what we are sending through the legislative pipeline thus far this Congress is now measured in the millions of dollars, and represents more of a hope chest—than a war chest—in the fight against deteriorating prison facilities.

If we do not provide even this small amount of aid soon, our failure to act could well be measured in new outbreaks of violence, thousands of lawsuits, and a criminal justice system which no longer retains any credible deterrent effect as arrests and prosecutions are rendered meaningless by judges' inability to find space in overcrowded prisons.

XII. CHANGES IN EXISTING LAW

In compliance with paragraph 12, Rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 53, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new material is printed in italic; and existing law in which no change is proposed is shown in roman):

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

[''TITLE I—JUSTICE SYSTEM IMPROVEMENT

[''TABLE OF CONTENTS

[''Declaration and purpose.

[''PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

[''Sec. 101. Establishment of Law Enforcement Assistance Administration.
[''Sec. 102. Duties and functions of Administrator.
[''Sec. 103. Office of Community Anti-Crime Programs.

[''PART B—NATIONAL INSTITUTE OF JUSTICE

[''Sec. 201. National Institute of Justice.
[''Sec. 202. Establishment, duties, and functions.
[''Sec. 203. Authority for 100 per centum grants.
[''Sec. 204. National Institute of Justice Advisory Board.

[''PART C—BUREAU OF JUSTICE STATISTICS

[''Sec. 301. Bureau of Justice Statistics.
[''Sec. 302. Establishment, duties, and functions.
[''Sec. 303. Authority for 100 per centum grants.
[''Sec. 304. Bureau of Justice Statistics Advisory Board.
[''Sec. 305. Use of Data.

[''PART D—FORMULA GRANTS

[''Sec. 401. Description of program.
[''Sec. 402. Eligibility.
[''Sec. 403. Applications.
[''Sec. 404. Review of applications.
[''Sec. 405. Allocation and distribution of funds.

[''PART E—NATIONAL PRIORITY GRANTS

[''Sec. 501. Purpose.
[''Sec. 502. Percentage of appropriation for national priority grant program.
[''Sec. 503. Procedure for designating national priority programs.
[''Sec. 504. Application requirements.
[''Sec. 505. Criteria for award.

[''PART F—DISCRETIONARY GRANTS

[''Sec. 601. Purpose.
[''Sec. 602. Percentage of appropriation for discretionary grant program.
[''Sec. 603. Procedure for establishing discretionary programs.
[''Sec. 604. Application requirements.

[“Sec. 605. Criteria for award.
[“Sec. 606. Period for award.

[“PART G—TRAINING AND MANPOWER DEVELOPMENT

[“Sec. 701. Purpose.
[“Sec. 702. Training of prosecuting attorneys.
[“Sec. 703. Training State and local criminal justice personnel.
[“Sec. 704. FBI training of State and local criminal justice personnel.
[“Sec. 705. Criminal justice education program.

[“PART H—ADMINISTRATIVE PROVISIONS

[“Sec. 801. Establishment of Office of Justice Assistance, Research, and Statistics.
[“Sec. 802. Consultation; establishment of rules and regulations.
[“Sec. 803. Notice and hearing on denial or termination of grant.
[“Sec. 804. Finality of determinations.
[“Sec. 805. Appellate court review.
[“Sec. 806. Delegation of functions.
[“Sec. 807. Subpena power; authority to hold hearings.
[“Sec. 808. Compensation of Director of Office of Justice Assistance, Research, and Statistics.
[“Sec. 809. Compensation of other Federal officers.
[“Sec. 810. Employment of hearing officers.
[“Sec. 811. Authority to use available services.
[“Sec. 812. Consultation with other Federal, State, and local officials.
[“Sec. 813. Reimbursement authority.
[“Sec. 814. Services of experts and consultants; advisory committees.
[“Sec. 815. Prohibition of Federal control over State and local criminal justice agencies.
[“Sec. 816. Report to President and Congress.
[“Sec. 817. Recordkeeping requirement.
[“Sec. 818. Confidentiality of information.
[“Sec. 819. Authority to accept voluntary services.
[“Sec. 820. Administration of juvenile delinquency programs.
[“Sec. 821. Prohibition on land acquisition.
[“Sec. 822. Prohibition on use of CIA services.
[“Sec. 823. Indian liability waiver.
[“Sec. 824. District of Columbia matching fund source.
[“Sec. 825. Limitation on civil justice matters.
[“Sec. 826. Reimbursement for unused equipment.
[“Sec. 827. Prison industry enhancement.

[“PART I—DEFINITIONS

[“Sec. 901. Definitions.

[“PART J—FUNDING

[“Sec. 1001. Authorization of appropriations.
[“Sec. 1002. Maintenance of effort.
[“Sec. 1003. Authorization of appropriations for Office of Anti-Crime Programs.

[“PART K—CRIMINAL PENALTIES

[“Sec. 1101. Misuse of Federal assistance.
[“Sec. 1102. Falsification or concealment of facts.
[“Sec. 1103. Conspiracy to commit offense against United States.

[“PART L—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

[“Sec. 1201. Payments.
[“Sec. 1202. Limitations.
[“Sec. 1203. Definitions.
[“Sec. 1204. Administrative provisions.

[“PART M—TRANSITION—EFFECTIVE DATE—REPEALER

[“Sec. 1301. Continuation of rules, authorities, and proceedings.]

["DECLARATION AND PURPOSE

["The Congress finds and declares that the high incidence of crime in the United States is detrimental to the general welfare of the Nation and its citizens, and that criminal justice efforts must be better coordinated, intensified, and made more effective and equitable at all levels of government.

["Congress further finds that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency by developing and implementing effective programs to improve the quality of juvenile justice in the United States.

["Congress further finds that there is an urgent need to encourage basic and applied research, to gather and disseminate accurate and comprehensive justice statistics, and to evaluate methods of preventing and reducing crime.

["Congress further finds that although crime is essentially a local problem that must be dealt with by State and local governments, the financial and technical resources of the Federal Government should be made available to support such State and local efforts.

["Congress further finds that the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable and effective justice systems which require: (1) systematic and sustained action by Federal, State, and local governments; (2) greater continuity in the scope and level of Federal assistance; and (3) continuing efforts at all levels of government to streamline programs and upgrade the functioning of agencies responsible for planning, implementing and evaluating efforts to improve justice systems.

["It is therefore the declared policy of the Congress to aid State and local governments in strengthening and improving their systems of criminal justice by providing financial and technical assistance with maximum certainty and minimum delay. It is the purpose of this title to (1) authorize funds for the benefit of States and units of local government to be used to strengthen their criminal justice system; (2) develop and fund new methods and programs to enhance the effectiveness of criminal justice agencies; (3) support the development of city, county, and statewide priorities and programs to meet the problems confronting the justice system; (4) reduce court congestion and trial delay; (5) support community anticrime efforts; (6) improve and modernize the correctional system; (7) encourage the undertaking of innovative projects of recognized importance and effectiveness; (8) encourage the development of basic and applied research directed toward the improvement of civil and criminal justice systems and new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals; (9) encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, civil disputes, and the operation of justice systems; and (10) support manpower development and training efforts. It is further the policy of the Congress that the Federal assistance made available under this title not be utilized to reduce the amount of State and

local financial support for criminal justice activities below the level of such support prior to the availability of such assistance.

[“PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

[“ESTABLISHMENT OF LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

[“SEC. 101. There is hereby established within the Department of Justice under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as the ‘Administration’). The Administration shall be under the direction of an Administrator, who shall be appointed by the President, by an with the advice and consent of the Senate, and such other Deputy Administrators as may be designated by the Attorney General. The Administrator shall have final authority over all grants, cooperative agreements, and contracts awarded by the Administration.

[“DUTIES AND FUNCTIONS OF ADMINISTRATOR

[“SEC. 102. The Administrator shall—

[“(1) provide funds to eligible States and units of local government pursuant to part D;

[“(2) recognize national criminal justice priorities established in accordance with parts E and F, inform States and units of local government concerning such priorities and award and allocate funds and technical assistance among the eligible States, units of local goverment, and public and private nonprofit organizations according to the criteria and on the terms and conditions determined by the Administration to be consistent with parts E and F;

[“(3) publish and disseminate information on the condition and progress of the criminal justice system;

[“(4) establish and carry on a specific and continuing program of cooperation with the States and units of local government designed to encourage and promote consultation and coordination concerning decisions made by the Administration affecting State and local criminal justice priorities;

[“(5) cooperate with and render technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities;

[“(6) cooperate with and render technical assistance to States, units of local government, and other public and private organizations or agenices involved in victim-witness assistance activities and the post-arrest identification and prosecution of career criminals.

[“(7) provide funds and technical assistance to eligible jurisdictions under this title for the development of operational information and telecommunications systems;

[“(8) exercise the powers and functions set out in part H; and

[“(9) exercise such other powers and functions as may be vested in the Administrator pursuant to this title.

["OFFICE OF COMMUNITY ANTI-CRIME PROGRAMS

["SEC. 103. (a) There is established in the Law Enforcement Assistance Administration the Office of Community Anti-Crime Programs (hereinafter in this section referred to as the 'Office'). The Office shall be under the direction of the Administrator and shall—

["(1) provide appropriate technical assistance to community and citizens groups to enable such groups to—

["(A) apply for grants which encourage community and citizen participation in crime prevention and criminal justice activities;

["(B) participate in the formula grant application process pursuant to section 402(f) of this title;

["(C) provide program development and encouragement of neighborhood and community participation in crime prevention and public safety efforts; and

["(D) implement programs and projects assisted with grants under subsection (b).

["(2) coordinate its activities with other Federal agencies and programs, including the Community Relations Service of the Department of Justice, which are designed to encourage and assist citizen participation in criminal justice activities;

["(3) provide information on successful programs of citizen and community participation to citizen and community groups;

["(4) review, at its discretion, formula grant applications submitted under section 403 of this title in order to assure that the requirements for citizen, neighborhood, and community participation in the application process have been met; and

["(5) make recommendations, after consultation with citizen, neighborhood, and community organizations, for the designation of effective community anticrime programs for funding as national priority grants under part E and discretionary grants under part F.

["(b) The Administration is authorized to make grants to be administered by the Office of Community Anti-Crime Programs to community and citizens groups, which grants shall be used—

["(1) to enable the community to engage in a process leading to the identification of problems facing that community with respect to crime or conflicts, disputes, and other problems that might lead to crime;

["(2) to provide for the consideration by the community of plans to alleviate such problems with special attention to projects that—

["(A) have been successful in other communities in dealing with the same or similar problems;

["(B) provide alternatives to the criminal justice system in resolving conflicts and disputes and in repairing the injuries suffered;

["(C) promote increased citizen participation and confidence in the processes used to resolve conflicts and disputes; and

["(D) address the social and economic causes of crime.

["(3) to enable community and citizen groups to participate in assistance programs under this title, but no grant under this

section may be used principally to seek technical assistance or a grant under this title;

["(4) to conduct training of community groups in the management of grants and such other skills as the Office determines are necessary to enhance the involvement of neighborhoods and citizens in community crime prevention and dispute resolution projects; and

["(5) to carry out projects determined to be likely to alleviate the community's crime problems as identified through the process set forth in this subsection.

["(c) In carrying out the functions under this part the Administrator shall make appropriate provisions for coordination among neighborhoods and for consultation with locally elected officials.

["PART B—NATIONAL INSTITUTE OF JUSTICE

["NATIONAL INSTITUTE OF JUSTICE

["SEC. 201. It is the purpose of this part to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of—

["(1) improving Federal, State, and local criminal justice systems and related aspects of the civil justice system;

["(2) preventing and reducing crimes;

["(3) insuring citizen access to appropriate dispute-resolution forums;

["(4) improving efforts to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption; and

["(5) identifying programs of proven effectiveness, programs having a record of proven success, or programs which offer a high probability of improving the functioning of the criminal justice system.

The Institute shall have authority to engage in and encourage research and development to improve and strengthen the criminal justice system and related aspects of the civil justice system and to disseminate the results of such efforts to Federal, State, and local governments, to develop alternatives to judicial resolution of disputes, to evaluate the effectiveness of programs funded under this title, to develop new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this title which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated. In carrying out the provisions of this part, the Institute shall give primary emphasis to the problems of State and local justice systems and shall insure that there is a balance between basic and applied research.

["ESTABLISHMENT, DUTIES AND FUNCTIONS

["SEC. 202. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a National Institute of Justice (hereinafter referred to in this part as the 'Institute').

["(b) The Institute shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in justice research. The Director shall have final authority over all grants, cooperative agreements, and contracts awarded by the Institute. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Institute makes any contract or other arrangement under this title.

["(c) The Institute is authorized to—

["(1) make grants to, or enter into cooperative agreements or contracts with, public agencies, institutions of higher education, private organizations, or individuals to conduct research, demonstrations, or special projects pertaining to the purposes described in this part, and provide technical assistance and training in support of tests, demonstrations, and special projects;

["(2) conduct or authorize multiyear and short-term research and development concerning the criminal and civil justice systems in an effort—

["(A) to identify alternative programs for achieving system goals, including programs authorized by section 103 of this title;

["(B) to provide more accurate information on the causes and correlates of crime;

["(C) to analyze the correlates of crime and juvenile delinquency and provide more accurate information on the causes and correlates of crime and juvenile delinquency;

["(D) to improve the functioning of the criminal justice system;

["(E) to develop new methods for the prevention and reduction of crime, the prevention and reduction of parental kidnaping, including the development of programs to facilitate cooperation among the States and units of local government, the detection and apprehension of criminals, the expeditious, efficient, and fair disposition of criminal and juvenile delinquency cases, the improvement of police and minority relations, the conduct of research into the problems of victims and witnesses of crime, the feasibility and consequences of allowing victims to participate in criminal justice decisionmaking, the feasibility and desirability of adopting procedures and programs which increase the victim's participation in the criminal justice process, the reduction in the need to seek court resolution of civil disputes, and the development of adequate corrections facilities and effective programs of correction; and

["(F) to develop programs and projects to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and

public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption.

In carrying out the provisions of this subsection, the Institute may request the assistance of both public and private research agencies;

[“(3) evaluate the effectiveness of projects or programs carried out under this part;

[“(4) evaluate, where the Institute deems appropriate, the programs and projects carried out under other parts of this title to determine their impact upon the quality of criminal and civil justice systems and the extent to which they have met or failed to meet the purposes and policies of this title, and disseminate such information to State agencies and, upon request, to units of local government and other public and private organizations and individuals;

[“(5) make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen criminal and civil justice systems;

[“(6) provide research fellowships and clinical internships and carry out programs of training and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects including those authorized by this part;

[“(7) collect and disseminate information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, and private organizations relating to the purposes of this part;

[“(8) serve as a national and international clearinghouse for the exchange of information with respect to the purposes of this part;

[“(9) submit a biennial report to the President and Congress on the state of justice research. This report shall describe significant achievements and identify areas needing further study. Other Federal agencies involved in justice research shall assist, upon request, in the preparation of this report;

[“(10) after consultation with appropriate agencies and officials of States and units of local government, make recommendations for the designation of programs or projects which will be effective in improving the functioning of the criminal justice system, for funding as national priority grants under part E and discretionary grants under part F; and

[“(11) encourage, assist, and serve in a consulting capacity to Federal, State, and local justice system agencies in the development, maintenance, and coordination of criminal and civil justice programs and services.

[“(d) To insure that all criminal and civil justice research is carried out in a coordinated manner, the Director is authorized to—

[“(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

["(2) confer with and avail itself of the cooperation, services, records, and facilities of State or of municipal or other local agencies;

["(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section, and the agencies shall provide such information to the Institute as required to carry out the purposes of this part;

["(4) seek the cooperation of the judicial branches of Federal and State Government in coordinating civil and criminal justice research and development; and

["(5) exercise the powers and functions set out in part H.

["AUTHORITY FOR 100 PER CENTUM GRANTS

["SEC. 203. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

["NATIONAL INSTITUTE OF JUSTICE ADVISORY BOARD

["SEC. 204. (a) There is hereby established a National Institute of Justice Advisory Board (hereinafter in this section referred to as the 'Board'). The Board shall consist of twenty-one members who shall be appointed by the President. The members shall represent the public interest and should be experienced in the criminal or civil justice systems, including, representatives of States and units of local government, representatives of police, prosecutors, defense attorneys, courts, corrections, experts in the area of victim and witness assistance and other components of the justice system at all levels of government, representatives of professional organizations, representatives of the academic and research community, members of the business community, officials of neighborhood and community organizations, and the general public. A majority of the members of the Board, including the Chairman and Vice Chairman, shall not be full-time employees of Federal, State, or local governments. The Board, by majority vote, shall elect from among its members a Chairman and Vice Chairman. The Vice Chairman is authorized to sit and act in the place of the Chairman in the absence of the Chairman. The Director shall also be a nonvoting member of the Board and shall not serve as Chairman or Vice Chairman. Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment. The Chairman shall be provided by the Institute with at least one full-time staff assistant to assist the Board. The Administrator of the Law Enforcement Assistance Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Director of the Bureau of Justice Statistics shall serve as nonvoting ex officio members of the Board and shall be ineligible to serve as Chairman or Vice Chairman. Except as otherwise provided herein, no more than one addi-

tional full-time Federal officer or employee shall serve as a member of the Board.

["(b) The Board, after appropriate consultation with representatives of State and local governments, may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assents.

["(c) The term of office of each member of the Board appointed under subsection (a) shall be three years except the first composition of the Board which shall have one-third of these members appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; and any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. Such members shall be appointed within ninety days after the date of enactment of the Justice System Improvement Act of 1979. The members of the Board appointed under subsection (a) shall receive compensation for each day engaged in the actual performance of duties vested in the Board at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses. No voting member shall serve for more than two consecutive terms.

["(d) The Board shall—

["(1) recommend the policies and priorities of the Institute;

["(2) create, where necessary, formal peer review procedures over selected categories of grants, cooperative agreements, and contracts;

["(3) recommend to the President at least three candidates for the position of Director of the Institute in the event of a vacancy; and

["(4) undertake such additional related tasks as the Board may deem necessary.

["(e) In addition to the powers and duties set forth elsewhere in this title, the Director shall exercise such powers and duties of the Board as may be delegated to the Director by the Board.

["PART C—BUREAU OF JUSTICE STATISTICS

["BUREAU OF JUSTICE STATISTICS

["SEC. 301. It is the purpose of this part to provide for and encourage the collection and analysis of statistical information concerning crime (including white-collar crime and public corruption), juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime (including crimes against the elderly, white-collar crime, and public corruption), juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible

State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this part, the Bureau shall give primary emphasis to the problems of State and local justice systems.

["ESTABLISHMENT, DUTIES, AND FUNCTIONS

["SEC. 302. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this part as 'Bureau').

["(b) The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

["(c) The Bureau is authorized to—

["(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this part; grants shall be made subject to continuing compliance with standards for gathering justice satistics set forth in rules and regulations promulgated by the Director;

["(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

["(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, and local justice policy and decisionmaking;

["(4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, and local levels;

["(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels;

["(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

["(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes

against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States;

["(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this title;

["(9) maintain liaison with the judicial branches of the Federal and State Governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

["(10) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice statistics;

["(11) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

["(12) Conduct or support research relating to methods of gathering or analyzing justice statistics;

["(13) provide financial and technical assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

["(14) maintain liaison with State and local governments and governments of other nations concerning justice statistics;

["(15) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

["(16) insure conformance with security and privacy regulations issued pursuant to section 818; and

["(17) exercise the powers and functions set out in part H.

["(d) To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

["(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

["(2) confer and cooperate with State, municipal, and other local agencies;

["(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this title; and

["(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records.

["(e) Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) shall provide such information to the Bureau as is required to carry out the purposes of this section.

["(f) In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

["AUTHORITY FOR 100 PER CENTUM GRANTS

["SEC. 303. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

["BUREAU OF JUSTICE STATISTICS ADVISORY BOARD

["SEC. 304. (a) There is hereby established a Bureau of Justice Statistics Advisory Board (hereinafter referred to in this section as the 'Board'). The Board shall consist of twenty-one members who shall be appointed by the Attorney General. The members should include representatives of States and units of local government, representatives of police, prosecutors, defense attorneys, courts, corrections, experts in the area of victim and witness assistance, and other components of the justice system at all levels of government, representatives of professional organizations, members of the academic, research, and statistics community, officials of neighborhood and community organizations, members of the business community, and the general public. The Board, by majority vote, shall elect from among its members a Chairman and Vice Chairman. The Vice Chairman is authorized to sit and act in the place of the Chairman in the absence of the Chairman. The Director shall also be a non-voting member of the Board and shall not serve as Chairman or Vice Chairman. Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment. The Chairman shall be provided by the Bureau with at least one full-time staff assistant to assist the Board. The Administrator of the Law Enforcement Assistance Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics shall serve as non-voting ex officio members of the Board but shall be ineligible to serve as Chairman or Vice Chairman. Except as otherwise provided herein, no more than one additional full-time Federal officer or employee shall serve as a member of the Board.

["(b) The Board, after appropriate consultation with representatives of State and local governments, may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assents.

["(c) The term of office of each member of the Board appointed under subsection (a) shall be three years except the first composition of the Board which shall have one-third of these members appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; and any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. The members of the Board appointed under subsection (a) shall receive compensation for each day engaged in

the actual performance of duties vested in the Board at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable under the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses. No voting member shall serve for more than two consecutive terms.

["(d) The Board shall—

["(1) review and make recommendations to the Bureau on activities undertaken by the Bureau and formulate and recommend to the Director policies and priorities for the Bureau;

["(2) recommend to the President at least three candidates for the position of Director of the Bureau in the event of a vacancy; and

["(3) carry out such additional related functions as the Board may deem necessary.

["(e) In addition to the powers and duties set forth elsewhere in this title, the Director shall exercise such powers and duties of the Board as may be delegated to the Director by the Board.

["USE OF DATA

["SEC. 305. Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

["PART D—FORMULA GRANTS

["DESCRIPTION OF PROGRAM

["SEC. 401. (a) It is the purpose of this part to assist States and units of local government in carrying out specific innovative programs which are of proven effectiveness, have a record of proven success, or which offer a high probability of improving the functioning of the criminal justice system. The Administration is authorized to make grants under this part to States and units of local government for the purpose of—

["(1) establishing or expanding community and neighborhood programs that enable citizens to undertake initiatives to deal with crime and delinquency;

["(2) improving and strengthening law enforcement agencies, as measured by arrest rates, incidence rates, victimization rates, the number of reported crimes, clearance rates, the number of patrol or investigative hours per uniformed officer, or any other appropriate objective measure;

["(3) improving the police utilization of community resources through support of joint police-community projects designed to prevent or control neighborhood crime;

["(4) disrupting illicit commerce in stolen goods and property and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime;

["(5) combating arson;

["(6) developing investigations and prosecutions of white-collar crime, organized crime, public-corruption-related offenses, and fraud against the government;

["(7) reducing the time between arrest or indictment and disposition of trial;

["(8) implementing court reforms;

["(9) increasing the use and development of alternatives to the prosecution of selected offenders;

["(10) increasing the development and use of alternatives to pretrial detention that assure return to court and a minimization of the risk of danger;

["(11) increasing the rate at which prosecutors obtain convictions against habitual, nonstatus offenders;

["(12) developing and implementing programs which provide assistance to victims, witnesses, and jurors, including restitution by the offender, programs encouraging victim and witness participation in the criminal justice system, and programs designed to prevent retribution against or intimidation of witnesses by persons charged with or convicted of crimes;

["(13) providing competent defense counsel for indigent and eligible low-income persons accused of criminal offenses;

["(14) developing projects to identify and meet the needs of drug dependent offenders;

["(15) increasing the availability and use of alternatives to maximum-security confinement of convicted offenders who pose no threat to public safety;

["(16) reducing the rates of violence among inmates in places of detention and confinement;

["(17) improving conditions of detention and confinement in adult and juvenile correctional institutions, as measured by the number of such institutions administering programs meeting accepted standards;

["(18) training criminal justice personnel in programs meeting standards recognized by the Administrator;

["(19) revision and recodification by States and units of local government of criminal statutes, rules, and procedures and revision of statutes, rules, and regulations governing State and local criminal justice agencies;

["(20) coordinating the various components of the criminal justice system to improve the overall operation of the system, establishing criminal justice information systems, and supporting and training of criminal justice personnel;

["(21) developing statistical and evaluative systems in States and units of local government which assist the measurement of indicators in each of the areas described in paragraphs (1) through (20);

["(22) encouraging the development of pilot and demonstration projects for prison industry programs at the State level with particular emphasis on involving private sector enterprise either as a direct participant in such programs, or as purchasers of goods produced through such programs, and aimed at making inmates self-sufficient, to the extent practicable, in a realistic working environment; and

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["(23) any other innovative program which is of proven effectiveness, has a record of proven success, or which offers a high probability of improving the functioning of the criminal justice system.

["(b)(1) Except with respect to allocations under subsection (c)—

["(A) for the fiscal year ending September 30, 1980, the Federal portion of any grant made under this part may be up to 100 per centum of the cost of the program or project specified in the application for such grant; and

["(B) for any later fiscal period, that portion of a Federal grant made under this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant unless the Administrator determines that State or local budgetary restraints prevent the recipient from providing the remaining portion.

["(2)(A) The non-Federal portion of the cost of such program or project shall be in cash.

["(B) In the case of a grant to an Indian tribe or other aboriginal group, the Administration may increase the Federal portion of the cost of such program to the extent the Administration deems necessary, if the Administration determines that the tribe or group does not have sufficient funds available to meet the non-Federal portion of such cost.

["(3) Except with respect to allocations under subsection (c), a grant recipient shall assume the cost of a program or project funded under this part after a reasonable period of Federal assistance unless the Administrator determines that the recipient is unable to assume such cost because of State or local budgetary restraints.

["(c)(1) The Administration shall allocate from the grant provided for in subsection (a) $200,000 to each of the States for the purposes of administering grants received under this title for operating criminal justice councils, judicial coordinating committees, and local offices pursuant to part D, and an additional amount of at least $50,000 shall be made available by the Administration for allocation by the State to the judicial coordinating committee. These foregoing sums shall be available without a requirement for match. The Administration shall allocate additional funds from the grant to a State for use by the State and its units of local government in an amount that is 7½ per centum of the total grant of such State. Any of the additional funds shall be matched in an amount equal to any such expended or obligated amount. An amount equal to at least 7½ per centum of the allocation of an eligible jurisdiction as defined in section 402(a) (2), (3), or (4), or of a judicial coordinating committee, must be made available by the State to each such jurisdiction or judicial coordinating committee from these additional funds for purposes set out above. The eligible jurisdiction or combination thereof shall match the amounts passed through in an amount equal to any such amount expended or obligated by the eligible jurisdiction or combination thereof for the purposes set forth above for all Federal funds in excess of $25,000 for each eligible jurisdiction.

["(2) Any funds allocated to States or units of local government and unexpended by such States or units of local government for

the purposes set forth above shall be available to such States or units of local government for expenditure in accordance with subsection (a).

["(3) The State may allocate at its discretion to units of local government or combinations of such units which are not eligible jurisdictions as defined in section 402(a) (2), (3), and (4) funds provided under this subsection.

["ELIGIBILITY

["SEC. 402. (a) The Administration is authorized to make financial assistance under this part available to an eligible jurisdiction to enable it to carry out all or a substantial part of a program or project submitted and approved in accordance with the provisions of this title. An eligible jurisdiction shall be—

["(1) a State;

["(2) a municipality which has no less than 0.15 per centum of total State and local criminal justice expenditures, and which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available on a nationwide basis to the Administration but only if such municipality would receive at least $50,000 for the applicable year under section 405;

["(3) a county which has no less than 0.15 per centum of total State and local criminal justice expenditures, and which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available on a nationwide basis to the Administration but only if such county would receive at least $50,000 for the applicable year under section 405;

["(4) any combination of contiguous units of local government, whether or not situated in more than one State, or any combination of units of local government all in the same county, which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available on a nationwide basis to the Administration but only if such combination would receive at least $50,000 for the applicable year under section 405;

["(5) a unit of local government, or any combination of such contiguous units without regard to population, which are otherwise ineligible under the other paragraphs of this subsection.

["(b)(1) Each State shall establish or designate and maintain a criminal justice council (hereinafter referred to in this title as the 'council') for the purpose of—

["(A) analyzing the criminal justice problems within the State based on input and data from all eligible jurisdictions, State agencies, and the judicial coordinating committee and establishing priorities based on the analysis and assuring that these priorities are published and made available to affected criminal justice agencies prior to the time required for application submission;

["(B) preparing a comprehensive State application reflecting the statewide goals, objectives, priorities, and projected grant programs;

["(C)(i) receiving, reviewing, and approving (or disapproving) applications or amendments submitted by State agencies, the judicial coordinating committee, and units of local government, or combinations thereof, as defined in subsection (a)(5), pursuant to section 405(a)(5) of this title; and

["(ii) providing financial assistance to these agencies and units according to the criteria of this title and on the terms and conditions established by such council at its discretion;

["(D) receiving, coordinating, reviewing, and monitoring all applications or amendments submitted by State agencies, the judicial coordinating committee, units of local government, and combinations of such units pursuant to section 403 of this title, recommending ways to improve the effectiveness of the programs or projects referred to in said applications, assuring compliance of said applications with Federal requirements and State law and integrating said applications into the comprehensive State application;

["(E) preparing an annual report for the chief executive of the State and the State legislature containing an assessment of the criminal justice problems and priorities within the State; the adequacy of existing State and local agencies, programs, and resources to meet these problems and priorities; the distribution and use of funds allocated pursuant to this part and the relationship of these funds to State and local resources allocated to crime and justice system problems; and the major policy and legislative initiatives that are recommended to be undertaken on a statewide basis;

["(F) assisting the chief executive of the State, the State legislature, and units of local government upon request in developing new or improved approaches, policies, or legislation designed to improve criminal justice in the State;

["(G) developing and publishing information concerning criminal justice in the State;

["(H) providing technical assistance upon request to State agencies, community-based crime prevention programs, the judicial coordinating committee, and units of local government in matters relating to improving criminal justice in the State; and

["(I) assuring fund accounting, auditing, and evaluation of programs and projects funded under this part to assure compliance with Federal requirements and State law.

["(2) The council shall be created or designated by State law and shall be subject to the jurisdiction of the chief executive of the State who shall appoint the members of the council, designate the chairman, and provide professional, technical, and clerical staff to serve the council. The council shall be broadly representative and include among its membership—

["(A) representatives of eligible jurisdictions as defined in subsection (a)(2), (3), and (4) who shall comprise at least one-third of the membership of the council where there are such eligible jurisdictions in the State and where they submit applications pursuant to this part;

["(B) representatives of the smaller units of local government defined in subsection (a)(5);

["(C) representatives of the various components of the criminal justice system, including representatives of agencies directly related to the prevention and control of juvenile delinquency and representatives of police, courts, corrections, prosecutors, and defense attorneys;

["(D) representatives of the general public including representatives of neighborhood and community-based, business, and professional organizations of the communities to be served under this part; and

["(E) representatives of the judiciary including, at a minimum, the chief judicial officer or other officer of the court of last resort, the chief judical administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer; if the chief judicial officer or chief judicial administrative officer cannot or does not choose to serve the other judicial members and the local trial court judicial officer shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within thirty days after the occurrence of any vacancy in the judicial membership; additional judicial members of the council as may be required by the Administration shall be appointed by the chief executive of the State from the membership of the judicial coordinating committee or, in the absence of a judicial coordinating committee, from a list of no less than three nominees for each position submitted by the chief judical officer of the court of last resort.

Individual representatives may fulfill the requirements of more than one functional area or geographical area where appropriate to the background and expertise of the individual.

["(3)(A) Applications from eligible jurisdictions as defined in subsection (a) (2), (3), and (4) may, at the discretion of such eligible jurisdiction, be in the form of a single application to the State for inclusion in the comprehensive State application. Applications or amendments should conform to the overall priorities, unless the eligible jurisdiction's analysis of its criminal justice system demonstrates that such recommended priorities are inconsistent with their needs. Applications or amendments should conform to uniform administrative requirements for submission of applications. Such requirements shall be consistent with guidelines issued by the Administration. Such application or amendments shall be deemed approved unless the council, within ninety days of the receipt of such application or amendment, finds that the application or amendment—

["(i) does not comply with Federal requirements or with State law or regulations;

["(ii) is inconsistent with priorities and fails to establish, under guidelines issued by the Administration, good cause for such inconsistency;

["(iii) conflicts with or duplicates programs or projects of another applicant under this title, or other Federal, State, or local supported programs or applications; or

["(iv) proposes a program or project that is substantially identical to or is a continuation of a program or project which

has been evaluated and found to be ineffective under section 404(c)(4).

Where the council finds such noncompliance, inconsistency, conflict, or duplication, it shall notify the applicant in writing and set forth its reasons for the finding.

["(B) The applicant may, within thirty days of receipt of written findings of the council pursuant to subparagraph (A) submit to the council a revised application or state in writing the applicant's reasons for disagreeing with the council's findings.

["(C) A revised application submitted under subparagraph (B) shall be treated as an original application except that the council shall act on such application within thirty days.

["(D) If an applicant states in writing a disagreement with the council's written findings as specified in subparagraph (A), the findings shall be considered appealed. The appeal shall be in accordance with a procedure developed by the council and reviewed and agreed to by the eligible jurisdiction. If any eligible jurisdiction in a State fails to agree with the council appeal process prior to application submission to the council, the appeal shall be in accordance with procedures developed by the Administration. The Administration appeal procedures shall provide that if the council's action is not supported by clear and convincing evidence or if the council acted arbitrarily or capriciously, the council shall be directed to reconsider or approve the application or amendment.

["(E) Approval of the application of such eligible local jurisdiction shall result in the award of funds to such eligible jurisdiction without requirement for further application or review by the council.

["(4) Applications from State agencies and eligible jurisdictions as defined in subsection (a)(5) must be in the manner and form proscribed by the council. Where the council determines under paragraph (1)(C) and (D) that an application or amendment from a State agency or an eligible jurisdiction as defined in subsection (a)(5)—

["(A) does not comply with Federal requirements or with State law or regulation;

["(B) is inconsistent with priorities, policy, organizational, or procedural arrangements, or the crime analysis;

["(C) conflicts with or duplicates programs or projects of another applicant under this title, or other Federal, State, or local supported programs or applications; or

["(D) proposes a program or project that is substantially identical to or is a continuation of a program or project which has been evaluated and found to be ineffective;

the council shall notify the applicant in writing of the finding and the reasons for the finding and may deny funding or recommend appropriate changes. Appeal of the council's action shall be in accordance with procedures established by the council for such matters.

["(c) The chief executive(s) of an eligible jurisdiction as defined in subsection (a)(2), (3), and (4) shall create or designate an office for the purpose of preparing and developing the jurisdiction's application and assuring that such application complies with Federal requirements, State law, fund accounting, auditing and the evaluation of programs and projects to be funded under the application to

be submitted to the council pursuant to section 403 of this title. Each eligible jurisdiction shall establish or designate a local criminal justice advisory board (hereinafter referred to in this section as the 'board') for the purpose of—

[“(1) analyzing the criminal justice problems within the eligible jurisdiction and advising the council of the eligible jurisdiction on priorities;

[“(2) advising the chief executive of the eligible jurisdiction pursuant to this title;

[“(3) advising on applications or amendments by the eligible jurisdiction;

[“(4) assuring that there is an adequate allocation of funds for court programs based upon that proportion of the eligible jurisdiction's expenditures for court programs which contributes to the jurisdiction's eligibility for funds and which take into account the court priorities recommended by the judicial coordinating committee; and

[“(5) assuring that there is an adequate allocation of funds for correction programs based on that portion of the eligible jurisdiction's expenditures for correction programs which contributes to the jurisdiction's eligibility for funds.

Such board shall be established or designated by the chief executive of the eligible jurisdiction and shall be subject to the jurisdiction of the chief executive who shall appoint the members and designate the chairman. Such board shall be broadly representative of the various components of the criminal justice system and shall include among its membership representatives of neighborhood, community-based and professional organizations. In the case of an eligible jurisdiction as defined in subsection (a)(4), the membership of the board shall be jointly appointed in such manner as the chief executive of each unit of local government shall determine by mutual agreement. Decisions made by the board pursuant to this subsection may be reviewed and either be accepted or rejected by the chief executive of the eligible subgrant jurisdiction, or in the case of an eligible jurisdiction as defined in subsection (a)(4) in such manner as the chief executive of each unit of local government shall determine by mutual agreement. Where an eligible jursidiction as defined in subsection (a) (2) or (3) chooses not to combine pursuant to section 402(a)(4) and chooses not to exercise the powers of this subsection, it shall be treated as an eligible jurisdiction under subsection (a)(5).

[“(d) The court of last resort of each State may establish or designate a judicial coordinating committee (hereinafter referred to in this title as the 'committee') for the preparation, development, and revision of a three-year application or amendments thereto reflecting the needs and priorities of the courts of the State. For those States where there is a judicial agency which is authorized by State law on the date of enactment of this subsection to perform this function and which has a statutory memberhsip of a majority of court officials (including judges and court administrators), the judicial agency may establish or designate the judicial coordinating committee. The committee shall—

[“(1) establish priorities for the improvement of the various courts of the State;

[“(2) define, develop and coordinate programs and projects for the improvement of the courts of the State; and

[“(3) develop in accordance with part D, an application for the funding of programs and projects designed to improve the functioning of the courts and judicial agencies of the State.

The committee shall submit its three-year application or amendments to the council. The committee shall review for consistency with the court priorities, applications, or amendments from any jurisdiction which has incurred expenditures for court services from its own sources or from any other jurisdiction which is applying for funds for court services. The committee shall report to the council and the applicant its findings of consistency and inconsistency. The council shall approve and incorporate into its application in whole or in part the application or amendments of the committee unless the council determines that such committee application or amendments are not in accordance with this title, are not in conformance with, or consistent with, their own application made pursuant to section 403 of this title, or do not conform with the fiscal accountability standards of this title.

[“(e)(1) The council will provide for procedures that will insure that all applications or amendments by units of local government or combinations thereof or judicial coordinating committees shall be acted upon no later than ninety days after being first received by the council. Final action by the council which results in the return of any application or amendments to an application must contain specific reasons for such action within ninety days of receipt of the application. Any part of such application or amendments which is not acted upon shall be deemed approved for submission to the Administration. Action by the council on any application or part thereof shall not preclude the resubmission of such application or part thereof to the council at a later date.

[“(2) The council, the judicial coordinating committee, and local boards, established pursuant to subsection (c), shall meet at such times and in such places as they deem necessary and shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted if final action is to be taken at the meeting on the State application or any application for funds or any amendment thereto. The council, the judicial coordinating committee, and local boards, pursuant to subsection (c), shall provide for public access to all records relating to their functions under this title, except such records as are required to be kept confidential by any other provision of local, State, or Federal law.

[“(3) The council shall, at a time designated in regulations promulgated by the Administration, submit its application made pursuant to this part to the Administration for approval. Its application shall include funding allocations or applications which were submitted by State agencies, the judicial coordinating committee, and units of local government, or combinations thereof, and which were first reviewed and approved by the council pursuant to subsection (b)(3), (b)(4), or (d), as appropriate.

[“(f) To be eligible for funds under this part all eligible jurisdictions shall assure the participation of citizens, and neighborhood and community organizations, in the application process. No grant

may be made pursuant to this part unless the eligible jurisdiction has provided satisfactory assurances to the Administration that the applicant has—

["(1) provided citizens and neighborhood and community organizations with adequate information concerning the amounts of funds available for proposed programs or projects under this title, the range of activities that may be undertaken, and other important program requirements;

["(2) provided citizens and neighborhood and community organizations an opportunity to consider and comment on priorities set forth in the application or amendments;

["(3) provided for full and adequate participation of units of local government in the performance of the analysis and the establishment of priorities required by subsection (b)(1)(A); and

["(4) provided an opportunity for all affected criminal justice agencies to consider and comment on the proposed programs to be set forth in the application or amendments.

The Administrator, in cooperation with the Office of Community Anti-Crime Programs, may establish such rules, regulations, and procedures as are necessary to assure that citizens and neighborhood and community organizations will be assured an opportunity to participate in the application process.

["APPLICATIONS

["SEC. 403. (a) No grant may be made by the Administration to a State, or by a State to an eligible recipient pursuant to part D, unless the application sets forth criminal justice programs covering a three-year period which meet the objectives of section 401 of this title. This application must be amended annually if new programs are to be added to the application or if the programs contained in the original application are not implemented. The application must include—

["(1) an analysis of the crime problems and criminal justice needs within the relevant jurisdiction and a description of the services to be provided and performance goals and priorities, including a specific statement of how the programs are expected to advance the objectives of section 401 of this title and meet the identified crime problems and criminal justice needs of the jurisdiction;

["(2) an indication of how the programs relate to other similar State or local programs directed at the same or similar problems;

["(3) an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Administration, where the applicant is a State, and to the council where the applicant is a State agency, the judicial coordinating committees, a nongovernmental grantee, or a unit or combination of units of local government—

["(A) a performance report concerning the activities carried out pursuant to this title; and

["(B) an assessment by the applicant of the impact of those activities on the objectives of this title and the needs and objectives identified in the applicant's statement;

["(4) a certification that Federal funds made available under this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice activities;

["(5) an assurance where the applicant is a State or unit or combination of units of local government that there is an adequate share of funds for courts and for corrections, police, prosecution, and defense programs;

["(6) a provision for fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Administration shall prescribe to assure fiscal control, proper management, and efficient disbursement of funds received under this title;

["(7) a provision for the maintenance of such data and information and for the submission of such reports in such form, at such times, and containing such data and information as the Administration may reasonably require to administer other provisions of this title;

["(8) a certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Administration and shall be executed by the chief executive officer or other officer of the applicant qualified under regulations promulgated by the Administration; and

["(9) satisfactory assurances that equipment, whose purchase was previously made in connection with a program or project in such State assisted under this title and whose cost in the aggregate was $100,000 or more, has been put into use not later than one year after the date set at the time of purchase for the commencement of such use and has continued in use during its useful life.

["(b) Applications from judicial coordinating committees, State agencies, and other nongovernmental grantees do not have to include the crime analysis required by subsection (a)(1) but may rely on the crime analysis prepared by the council.

["REVIEW OF APPLICATIONS

["SEC. 404. (a) The Administration shall provide financial assistance to each State applicant under this part to carry out the programs or projects submitted by such applicant upon determining that—

["(1) the application or amendment thereof is consistent with the requirements of this title;

["(2) the application or amendment thereof was made public prior to submission to the Administration and an opportunity

to comment thereon was provided to citizens and neighborhood and community groups; and

[“(3) prior to the approval of the application or amendment thereof the Administration has made an affirmative finding in writing that the program or project is likely to contribute effectively to the achievement of the objectives of section 401 of this title.

Each application or amendment made and submitted for approval to the Administration pursuant to section 403 of this title shall be deemed approved, in whole or in part, by the Administration within ninety days after first received unless the Administration informs the applicant of specific reasons for disapproval.

[“(b) The Administration shall suspend funding for an approved application in whole or in part if such application contains a program or project which has failed to conform to the requirements or statutory objectives of this Act as evidenced by—

[“(1) the annual performance reports submitted to the Administration by the applicant pursuant to section 802(b) of this title;

[“(2) the failure of the applicant to submit annual performance reports pursuant to section 403 of this title;

[“(3) evaluations conducted pursuant to section 802(b);

[“(4) evaluations and other information provided by the National Institute of Justice.

The Administration may make appropriate adjustments in the amounts of grants in accordance with its findings pursuant to this subsection.

[“(c) Grant funds awarded under part D shall not be used for—

[“(1) the purchase of equipment or hardware except as provided in section 102(7), or the payment of personnel costs, unless the cost of such purchases or payments is incurred as an incidental and necessary part of a program of proven effectiveness, a program having a record of proven success, or a program offering high probability of improving the functioning of the criminal justice system (including bulletproof vests). In determining whether to apply this limitation, consideration must be given to the extent or prior funding from any sources in that jurisdiction for substantially similar activities;

[“(2) programs which have as their primary purpose general salary payments for employees or classes of employees within an eligible jurisdiction, except for the compensation of personnel for time engaged in conducting or undergoing training programs or the compensation of personnel engaged in research, development, demonstration, or short-term programs;

[“(3) construction projects; or

[“(4) programs or projects which, based upon evaluations by the National Institute of Justice, Law Enforcement Assistance Administration, Bureau of Justice Statistics, State or local agencies, and other public or private organizations, have been demonstrated to offer a low probability of improving the functioning of the criminal justice system. Such programs must be formally identified by a notice in the Federal Register after opportunity for comment.

["(d) The Administration shall not finally disapprove any application submitted to the Administrator under this part, or any amendments thereof, without first affording the applicant reasonable notice and opportunity for a hearing and appeal pursuant to section 803 of this title.

["ALLOCATION AND DISTRIBUTION OF FUNDS

["SEC. 405. (a) Of the total amount appropriated for parts D, E, and F in any fiscal year, 80 per centum shall be set aside for part D and allocated to States, units of local government, and combinations of such units as follows:

["(1) The sum of $300,000 to each of the participating States as defined in section 402(a)(1) and the balance according to one of the following two formulas, whichever formula results in the larger amount:

["(A) Of the remaining amount to be allocated pursuant to this part:

["(i) 25 per centum shall be allocated in proportion to the relative population within the State as compared to the population in all States;

["(ii) 25 per centum shall be allocated in proportion to the relative number of index crimes (as documented by the Department of Justice) reported within the State as compared to such numbers in all States;

["(iii) 25 per centum shall be allocated in proportion to the relative amount of total State and local criminal justice expenditures within the State as compared to such amounts in all States; and

["(iv) 25 per centum shall be allocated in proportion to the relative population within the State, weighted by the share of State personal income paid in State and local taxes, as compared to such weighted populations in all States; or

["(B) The remaining amount to be allocated pursuant to this part shall be allocated in proportion to the relative population within the State as compared to the population, in all States;

except that no State which receives financial assistance pursuant to subparagraph (A) shall receive an amount in excess of 110 per centum of that amount available to a State pursuant to subparagraph (B). Formula allocations under this section shall utilize relative population data only for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

["(2) If the fund allocation to each of the States pursuant to paragraph (1) results in a total amount in excess of the amount appropriated for the purposes of this part, additional funds shall be allocated by the Administration from part E or F to the States for purposes consistent with those parts so that the total amount equals the total amount allocated under paragraph (1). No State shall receive an allocation pursuant to paragraph (1) which is less than the block grant allocation re-

ceived by such State for fiscal year 1979 pursuant to parts C and E, except that if the total amount appropriated for part D for any fiscal year subsequent to fiscal year 1979 is less than the total block grant appropriation for parts C and E during fiscal year 1979, the States shall receive an allocation in accordance with paragraph (1)(B).

["(3) From the amount made available to each State pursuant to paragraphs (1) and (2), the Administration shall determine basic allocations to be made available to the State, to eligible jurisdictions as defined in section 402(a), (2), (3), or (4) and to eligible jurisdictions as defined in section 402(a)(5). Such allocations shall be determined—

["(A) by distributing 70 per centum of available funds allocated under paragraphs (1) and (2) to the State and those eligible units of local government within the State as defined in section 402(a) in a proportion equal to their own respective share of total State and local criminal justice expenditures; and

["(B) by dividing the remaining 30 per centum of available funds allocated under paragraphs (1) and (2) and distributing to the State and to those eligible units of local government within the State as defined in section 402(a), in four equal shares in amounts determined as follows:

["(i) for combating crime as specified in section 401(a), a proportion of the available funds equal to their own respective share of total State and local expenditures for police services from all sources;

["(ii) for improving court administration as specified in section 401(a), a proportion of the available funds equal to their own respective share of total State and local expenditures for judicial, legal, and prosecutive, and public defense services from all sources;

["(iii) for improving correctional services as specified in section 401(a), a proportion of the available funds equal to their own respective share of total State and local expenditures for correctional services from all sources; and

["(iv) for devising effective alternatives to the criminal justice system as specified in section 401(a) a proportion of the available funds equal to their own respective share of total State and local expenditures from all sources.

["(4) All allocations under paragraph (3) shall be based upon the most accurate and complete data available for such fiscal year or for the most recent fiscal year for which accurate data are available. Eligible jurisdictions as defined in section 402(a)(4) may not receive an allocation based upon the population of eligible cities and counties as defined in section 402(a), (2), (3), and (5) unless such cities and counties participate in activities under this title as part of a combination of units of local government as defined in section 402(a)(4). In determining allocations for the eligible units as defined in section 402(a), an aggregate allocation may be utilized where eligible jurisdic-

tions as defined in section 402(a) combine to meet the population requirements of section 402(a)(4).

["(5) The amount made available pursuant to paragraph (3) to eligible units of local government within each State, as defined in section 402(a)(5), and to eligible jurisdictions, as defined in section 402(a) (2), (3), or (5) which choose not to combine pursuant to secton 402(a)(4) and choose not to exercise the powers of section 402(c), shall be reserved and set aside in a special discretionary fund for use by the council pursuant to section 402 of this title, in making grants (in addition to any other grants which may be made under this title to the same entities or for the same purposes) to such units of local government or combinations thereof. The council shall allocate such funds among such local units of government or combinations thereof which make application pursuant to section 403 of this title, according to the criteria of this title and on the terms and conditions established by such council at its discretion. If in a particular State, there are no eligible units of local government, as defined in section 402(a) (2), (3), or (4), of this part, the amount otherwise reserved and set aside in the special discretionary fund shall consist of the entire amount made available to local units of government, pursuant to this section.

["(b) At the request of the State legislature while in session or a body designated to act while the legislature is not in session, general goals, priorities, and policies of the council shall be submitted to the legislature for an advisory review prior to its implementation by the council. In this review the general criminal justice goals, priorities, and policies that have been developed pursuant to this part shall be considered. If the legislature or the interim body has not reviewed such matters forty-five days after receipt, such matters shall then be deemed reviewed.

["(c) No award of funds that are allocated to the States, units of local government, or combinations thereof under this part shall be made with respect to a program other than a program contained in an approved application.

["(d) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State, unit of local government, or combination thereof for that fiscal year will not be required, or that the State, unit of local government, or combination thereof will be unable to qualify or receive funds under the requirements of this part, such funds shall be available for reallocation to the States, or other units of local government and combinations thereof within such State, as the Administration may determine in its discretion, but all States shall be considered equally for reallocated funds.

["(e) A State may award funds from the State allocation to private nonprofit organizations. Eligible jurisdictions as defined in section 402(a) (2) through (5) may utilize the services of private nonprofit organizations for purposes consistent with this title.

["(f) In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, a State shall submit a plan for carrying out the purposes of that Act in accordance with the provisions of this title and section 223 of that

Act. Such plan may at the direction of the Administrator be incorporated into the State application to be submitted under this part.

["(g) Eligible jurisdictions which choose to utilize regional planning units may utilize the boundaries and organization of existing general purpose regional planning bodies within the State.

["PART E—NATIONAL PRIORITY GRANTS

["PURPOSE

["SEC. 501. It is the purpose of this part, through the provision of additional Federal financial aid and assistance, to encourage States and units of local government to carry out programs which, on the basis of research, demonstration, or evaluations by the National Institute of Justice, Bureau of Justice Statistics, Law Enforcement Assistance Administration, State or local governments, or other Federal, State, local, or private organizations or agencies, have been shown to meet the criteria of section 503(a).

["PERCENTAGE OF APPROPRIATION FOR NATIONAL PRIORITY GRANT PROGRAM

["SEC. 502. Of the total amount appropriated for parts D, E, and F, in any fiscal year, 10 per centum shall be reserved and set aside pursuant to this part as funding incentives for use by the Administration in making national priority grants (in addition to any other grants which may be made under this title to the same entities or for the same purpose) to States, units of local government, and combinations of such units.

["PROCEDURE FOR DESIGNATING NATIONAL PRIORITY PROGRAMS

["SEC. 503. (a) The Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration shall periodically and jointly designate national priority programs and projects which through research, demonstration, or evaluation have been shown to be effective or innovative and to have a likely beneficial impact on criminal justice. Such national priorities may include programs and projects designated to improve the comprehensive planning and coordination of State and local criminal justice activities. Priorities established under this subsection shall be considered priorities for a period of time determined by such Director and Administrator jointly but not to exceed three years from the time of such determination except in cases of recipients for which State of local budgetary restraints prevent assumption of costs of priority projects. Such priorities shall be designated according to such criteria, and on such terms and conditions, as such Director and such Administrator jointly may determine.

["(b) Such Director and such Administrator shall jointly annually request the National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, State and local governments, and other appropriate public and private agencies to suggest national priority programs and projects. Such Director and such Administrator shall jointly then, pursuant to regulations such Director and such Administrator jointly promul-

gate annually, publish proposed national priority programs and projects pursuant to this part and invite and encourage public comment concerning such priorities. Such priority programs and projects shall not be established or modified until such Director and such Administrator jointly have provided at least sixty days advance notice for public comment and shall encourage and invite recommendations and opinion concering such priorities from appropriate agencies and officials of State and units of local government. After considering any comments submitted during such periods of time, such Director and such Administrator jointly shall establish priority programs and projects for that year (and determine whether existing priority programs and projects should be modified). Such Director and such Administrator shall jointly publish in the Federal Register the priority programs and projects established pursuant to this part prior to the beginning of fiscal year 1981 and each fiscal year thereafter for which appropriations will be available to carry out the program. In the event of a disagreement by such Director and such Administrator as to the exercise of joint functions under this section, the Attorney General shall resolve such disagreement.

[''APPLICATION REQUIREMENTS

[''SEC. 504. (a) No grant may be made pursuant to this part unless an application has been submitted to the Administration in which the applicant—

[''(1) identifies the priority program to be funded and described how funds allocated pursuant to this part and pursuant to part D will be expended to carry out the priority program;

[''(2) describes specifically what percentages of funds allocated for the upcoming year pursuant to part D will be spend on priority programs and projects pursuant to this part;

[''(3) describes specifically the priority programs and projects for which funds are to be ailocated pursuant to part D for the upcoming fiscal year;

[''(4) describes what percentage of part D funds were expend on national priority projects during the preceding fiscal year; and

[''(5) describes specifically the priority programs and projects for which funds were allocated pursuant to part D during the preceding fiscal year and the amount of such allocation.

[''(b) Each applicant for funds under this part shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Administration.

[''(c) Each application must be submitted for review to the criminal justice council in whose State the applicant is located. The council shall have thirty days to comment to the Administration upon the application. Any recommendation shall be accompanied by supporting rationale.

["(d) States and units of local government may utilize the services of private nonprofit organizations for purposes consistent with this part.

["CRITERIA FOR AWARD

["SEC. 505. (a) The Administration shall, after appropriate consultation with representatives of State and local governments and representatives of the various components of the justice system at all levels of government, establish reasonable requirements consistent with this part for the award of national priority grants. Procedures for awards of national priority grants shall be published in the Federal Register and no national priority grant shall be made in a manner inconsistent with these procedures. The Administration in determining whether to award a priority grant to an eligible jurisdiction shall give consideration to the criminal justice needs and efforts of eligible jurisdictions, to the need for continuing programs which would not otherwise be continued because of the lack of adequate part D funds, and to the degree to which an eligible jurisdiction has expended or proposes to expend funds from part D or other sources of funds, including other Federal grants, for priority programs and projects. No jurisdiction shall be denied a priority grant solely on the basis of its population.

["(b) Grants under this part may be made in an amount equal to 50 per centum of the cost of the priority program or project for which such grant is made except allocations made pursuant to section 405(a)(2), which may be made in an amount equal to 100 per centum of the cost of the funded program. The remaining costs may be provided from part D funds or from any other source of funds, including other Federal grants, available to the eligible jurisdiction. The Administration may provide technical assistance to any priority program or project funded under this part. Technical assistance so provided may be funded in an amount equal to 100 per centum of its cost from funds set aside pursuant to this part.

["(c) Amounts reserved and set aside pursuant to this part in any fiscal year, but not used in such year, may be used by the Administration to provide additional financial assistance to priority programs or projects of demonstrated effectiveness in improving the functioning of the criminal justice system, notwithstanding the provisions of subsection (b).

["(d) The Administration may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years. Grants made pursuant to this part may be extended or renewed by the Administration for an additional period of up to two years if an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system. A recipient shall assume the cost of any program assisted under this part after the period of Federal assistance unless the Administrator determines that the recipient is unable to assume such cost because of State or local budgetary restraints. The Administration shall assure that the problems and needs of all of the States are taken into account in distributing funds under this part among the States.

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["PART F—DISCRETIONARY GRANTS

["PURPOSE

["SEC. 601. It is the purpose of this part, through the provision of additional Federal financial assistance, to encourage States, units of local government, combinations of such units, or private nonprofit organizations to—

["(1) undertake programs and projects, including educational programs, to improve and strengthen the criminal justice system;

["(2) improve the comprehensive planning and coordination of State and local criminal justice activities especially coordination between city and county jurisdictions;

["(3) provide for the equitable distribution of funds under this title among all segments and components of the criminal justice system;

["(4) develop and implement programs and projects to redirect resources so as to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption;

["(5) to support modernization and improvement of State and local court and corrections systems and programs;

["(6) to support organized crime programs, programs to prevent and reduce crime in public or private places and programs which are designed to disrupt illicit commerce in stolen goods and property; and

["(7) to support community and neighborhood anticrime efforts.

["PERCENTAGE OF APPROPRIATION FOR DISCRETIONARY GRANT PROGRAM

["SEC. 602. Of the total amount appropriated for parts D, E, and F in any fiscal year 10 per centum shall be reserved and set aside pursuant to this part in a special discretionary fund for use by the Administration in making grants (in addition to any other grants which may be made under this title to the same entities or for the same purposes) to States, units of local government, combinations of such units, or private nonprofit organizations, for the purposes set forth in section 601 of this title. The Administrator shall assure that funds allocated under this subsection to private nonprofit organizations shall be used for the purpose of developing and conducting programs and projects which would not otherwise be undertaken pursuant to this title including programs and projects—

["(1) to stimulate and encourage the improvement of justice and the modernization of State court operations by means of financial assistance to national nonprofit organizations operat-

ing in conjunction with and serving the judicial branches of State governments;

["(2) to provide national education and training programs for State and local prosecutors, defense personnel, judges and judicial personnel, and to disseminate and demonstrate new legal developments and methods by means of teaching, special projects, practice, and the publication of manuals and materials to improve the administration of criminal justice. Organizations supported under this paragraph shall assist State and local agencies in the education and training of personnel on a State and regional basis;

["(3) to support community and neigborhood anticrime programs;

["(4) to stimulate, improve, and support victim-witness assistance programs; and

["(5) to improve the administration of justice by encouraging and supporting the development, dissemination, implementation, evaluation, and revision of criminal justice standards and guidelines.

["PROCEDURE FOR ESTABLISHING DISCRETIONARY PROGRAMS

["SEC. 603. (a) The Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration shall periodically and jointly establish discretionary programs and projects for financial assistance under this part. Such programs and projects shall be considered priorities for a period of time not to exceed three years from the time of such determination.

["(b) Such Director and such Administrator shall jointly annually request the National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, State and local governments, and other appropriate public and private agencies to suggest discretionary programs and projects. Such Director and such Administrator shall jointly then, pursuant to regulations, annually publish the proposed priorities pursuant to this part and invite and encourage public comment concerning such priorities. Priorities shall not be estabished or modified until such Director and such Administrator jointly have provided at least sixty-days advance notice for such public comment and such Director and such Administrator jointly shall encourage and invite recommendations and opinion concerning such priorities from appropriate agencies and officials of State and units of local government. After considering any comments submitted during such period of time and after consultation with appropriate agencies and officials of State and units of local government, such Director and such Administrator jointly shall determine whether existing established priorities should be modified. Such Director and such Administrator shall jointly publish in the Federal Register the priorities established pursuant to this part prior to the beginning of fiscal year 1981 and each fiscal year thereafter for which appropriations will be available to carry out the program.

[“APPLICATION REQUIREMENTS

[“SEC. 604. (a) No grant may be made pursuant to this part unless an application has been submitted to the Administration in which the applicant—

[“(1) sets forth a program or project which is eligible for funding pursuant to this part;

[“(2) describes the services to be provided, performance goals and the manner in which the program is to be carried out;

[“(3) describes the method to be used to evaluate the program or project in order to determine its impact and effectiveness in achieving the stated goals and agrees to conduct such evaluation according to the procedures and terms established by the Administration;

[“(4) indicates, if it is a private nonprofit organization, that it has consulted with appropriate agencies and officials of the State and units of local government to be affected by the program and project.

[“(b) Each applicant for funds under this part shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Administration.

[“CRITERIA FOR AWARD

[“SEC. 605. The Administration shall, in its discretion and according to the criteria and on the terms and conditions it determines consistent with this part, provide financial assistance to those programs or projects which most clearly satisfy the priorities established under section 603. In providing such assistance pursuant to this part, the Administration shall consider whether certain segments and components of the criminal justice system have received a disproportionate allocation of financial aid and assistance pursuant to other parts of this title, and, if such a finding is made, shall assure the funding of such other segments and components of the criminal justice system as to correct inequities resulting from such disproportionate allocations. Federal funding under this part may be up to 100 per centum of the cost of the program. In distributing funds under this part among the States, the Administration shall assure that the problems and needs of all of the States are taken into account and shall fund some programs and projects responsive to each type of section 402 eligible jurisdiction.

[“PERIOD FOR AWARD

[“SEC. 606. The Administration may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years. Grants made pursuant to this part may be extended or renewed by the Administration for an additional period of up to two years if—

[“(1) an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the

potential for improving the functioning of the criminal justice system; and

["(2) the State, unit of local government, or combination thereof and private nonprofit organizations within which the program or project has been conducted agrees to provide at least one-half of the total cost of such program or project from part D funds or from any other source of funds, including other Federal grants, available to the eligible jurisdiction. Funding for the management and the administration of national nonprofit organizations under section 602(1) of this part is not subject to the funding limitations of this section.

["PART G—TRAINING AND MANPOWER DEVELOPMENT

["PURPOSE

["SEC. 701. It is the purpose of this part to provide for and encourage training, manpower development, and new personnel practices for the purpose of improving the criminal justice system.

["TRAINING FOR PROSECUTING ATTORNEYS

["SEC. 702. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local agencies engaged in the prosecution of white-collar and organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against white-collar and organized crime.

["(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel may be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

["(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

["TRAINING STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

["SEC. 703. (a) The Administration is authorized—

["(1) to assist in conducting local, regional, or national training programs for the training of State and local criminal justice personnel, including but not limited to those engaged in the investigation of crime and apprehension of criminals, community relations, the prosecution, defense, or adjudication of those charged with crime, corrections, rehabilitation, probation, and parole of offenders. Such training activities shall be designed to supplement and improve rather than supplant the training activities of the State and units of local government and shall not duplicate the training activities of the Federal Bureau of Investigation. While participating in the training program or traveling in connection with participation in the training program, State and local personnel may be allowed travel expenses and a per diem allowance in the same manner

as prescribed under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service;

["(2) to carry out a program of planning, development, demonstration, and evaluation of training programs for State and local criminal justice personnel;

["(3) to assist in conducting programs relating to recruitment, selection, placement, and career development practices of State and local law enforcement and criminal justice personnel, and to assist State and local governments in planning manpower programs for criminal justice; and

["(4) to carry out a program of planning, development, demonstration, and evaluation of recruitment, selection, and placement practices.

["(b)(1) The amount of a grant or contract under this section may be up to 100 per centum of the total cost of a program, but the total financial support may not exceed 80 per centum of the total operating budget of any funded institutions or programs.

["(2) Institutions funded under this section shall assure that to the maximum extent feasible efforts shall be made to increase the non-Federal share of the total operating budgets of such institutions or programs with the objective of becoming self-sustaining.

["(3) To the greatest extent possible funds appropriated for the purposes of this section shall not be utilized to provide per diem or subsistence for State and local officials receiving such training.

["FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

["SEC. 704. (a) The Director of the Federal Bureau of Investigation is authorized to—

["(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel;

["(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

["(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

["(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

["CRIMINAL JUSTICE EDUCATION PROGRAM

["SEC. 705. (a) Pursuant to the provisions of subsections (b) and (c), the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen criminal justice.

["(b) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for loans, not exceeding $2,200 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas directly related to criminal justice or suitable for persons employed in criminal justice, with special consideration to police or correctional personnel of States or units of local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a criminal justice agency at the rate of 25 per centum of the total amount of such loan plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

["(c) The Administration is authorized to enter into contracts to make and to make payments to institutions of higher education for tuition, books, and fees, not exceeding $250 per academic quarter or $400 per semester for any person, for officers of any publicly funded criminal justice agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to criminal justice or an area suitable for persons employed in criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of a criminal justice agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

["(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to criminal justice or suitable for persons employed in criminal justice, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) as determined under regulations of the Administration.

["(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of criminal justice education, including—

["(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice, and for law enforcement related courses in public schools;

["(2) education and training of faculty members;

["(3) strengthening the criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

["(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums. The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

["(f) The Administration is authorized to enter into contracts to make and to make payments to institutions of higher education for grants not exceeding $65 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in criminal justice agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program.

["PART H—ADMINISTRATIVE PROVISIONS

["ESTABLISHMENT OF OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

["SEC. 801. (a) There is established within the Department of Justice, under the general authority and policy control of the Attorney General, an Office of Justice Assistance, Research, and Statistics. The chief officer of the Office of Justice Assistance, Research, and Statistics shall be a Director appointed by the President by and with the advice and consent of the Senate.

["(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration.

["CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

["SEC. 802. (a) The Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, and the National Institute of Justice are authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of their functions, and as are consistent with the stated purpose of this title.

["(b) The Law Enforcement Assistance Administration shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, State and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to parts D, E, and F, in order todetermine—

[“(1) whether such programs or projects have achieved the performance goals stated in the original application, are of proven effectiveness, have a record of proven success, or offer a high probability of improving the criminal justice system;

[“(2) whether such programs or projects have contributed or are likely to contribute to the improvement of the criminal justice system and the reduction and prevention of crime;

[“(3) their cost in relation to their effectiveness in achieving stated goals;

[“(4) their impact on communities and participants; and

[“(5) their implication for related programs.

Evaluations shall be in addition to the requirements of sections 403 and 404. In conducting the evaluations called for by this subsection, the Law Enforcement Assistance Administration shall, when practical, compare the effectiveness of programs conducted by similar applicants and different applicants, and shall compare the effectiveness of programs or projects conducted by States and units of local government pursuant to part D of this title with similar programs carried out pursuant to parts E and F. The Law Enforcement Assistance Administration shall also require applicants under part D to submit an annual performance report concerning activities carried out pursuant to part D together with an assessment by the applicant of the effectiveness of those activities in achieving the objectives of section 401 of this title and the relationships of those activities to the needs and objectives specified by the applicant in the application submitted pursuant to section 403 of this title. The administration shall suspend funding for an approved application under part D if an applicant fails to submit such an annual performance report.

[“(c) The procedures established to implement the provisions of this title shall minimize paperwork and prevent needless duplication and unnecessary delays in award and expenditure of funds at all levels of government.

[“NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

[“SEC. 803. (a) Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration finds that a recipient of their respective assistance under this title has failed to comply substantially with—

[“(1) any provision of this title;

[“(2) any regulations or guidelines promulgated under this title; or

[“(3) any application submitted in accordance with the provisions of this title, or the provisions of any other applicable Federal Act;

they, until satisfied that there is no longer any such failure to comply, shall—

[“(A) terminate payments to the recipient under this title;

[“(B) reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title; or

["(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

["(b) If a State grant application filed under part D or any grant application filed under any other part of this title has been rejected or a State applicant under part D or an applicant under any other part of this title has been denied a grant or has had a grant, or any portion of a grant, discontinued, terminated or has been given a grant in a lesser amount that such applicant believes appropriate under the provisions of this title, the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration, as appropriate, shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever such an applicant or grantee requests a hearing, the National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein.

["(c) If such recipient is dissatisfied with the findings and determinations of the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, following notice and hearing provided for in subsection (a), a request may be made for rehearing, under such regulations and procedures as such Administration, Bureau, or Institute, as the case may be, may establish, and such recipient shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.

["FINALITY OF DETERMINATIONS

["SEC. 804. In carrying out the functions vested by this title in the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, their determinations, findings, and conclusions shall, after reasonable notice and opportunity for a hearing, be final and conclusive upon all applications, except as otherwise provided herein.

["APPELLATE COURT REVIEW

["SEC. 805. (a) If any applicant or recipient is dissatisfied with a final action with respect to section 803, 804, or 815(c)(2)(G) of this part, such applicant or recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or recipient is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action. A copy of the petition shall forthwith be transmitted by the petitioner to the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, as appropriate, and the Attorney General of

the United States, who shall represent the Federal Government in the litigation. The Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, as appropriate, shall thereupon file in the court the record of the proceeding on which the action was based, as provided in section 2112 of title 28, United States Code. No objection to the action shall be considered by the court unless such objection has been urged before the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, as appropriate.

["(b) The court shall have jurisdiction to affirm or modify a final action or to set it aside in whole or in part. The findings of fact by the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the National Institute of Justice, or the Bureau of Justice Statistics, to take additional evidence to be made part of the record. The Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, may thereupon make new or modified findings of fact by reason of the new evidence so taken and filed with the court and shall file such modified or new findings along with any recommendations such entity may have for the modification or setting aside of such entity's original action. All new or modified findings shall be conclusive with respect to questions of fact if supported by substantial evidence when the record as a whole is considered.

["(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certifications as provided in section 1254 of title 28, United States Code.

["DELEGATION OF FUNCTIONS

["SEC. 806. The Attorney General, the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration may delegate to any of their respective officers or employees such functions as they deem appropriate.

["SUBPENA POWER; AUTHORITY TO HOLD HEARINGS

["SEC. 807. In carrying out their functions, the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration, and upon authorization, any member

thereof or any hearing examiner or administrative law judge assigned to or employed thereby shall have the power to hold hearings and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States they may designate.

["COMPENSATION OF DIRECTOR OF OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

["SEC. 808. Section 5314 of title 5, United States Code, is amended—

["(1) by adding at the end thereof—

["'Director, Office of Justice Assistance, Research, and Statistics.' and

["(2) by striking out—

["'Administrator of Law Enforcement Assistance.'.

["COMPENSATION OF OTHER FEDERAL OFFICERS

["SEC. 809. Section 5315 of title 5, United States Code, is amended—

["(1) by striking out—

["'Deputy Administrator for Policy Development of the Law Enforcement Assistance Administration.' and

["'Deputy Administrator for Administration of the Law Enforcement Assistance Administration.'; and

["(2) by adding at the end the following:

["'Administrator of Law Enforcement Assistance.

["'Director of the National Institute of Justice.

["'Director of the Bureau of Justice Statistics.'.

["EMPLOYMENT OF HEARING OFFICERS

["SEC. 810. The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration may appoint such officers and employees as shall be necessary to carry out their powers and duties under this title and may appoint such hearing examiners or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out their powers and duties under this title.

["AUTHORITY TO USE AVAILABLE SERVICES

["SEC. 811. The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration are authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of Federal, State, and local agencies to the extent deemed appropriate after giving due consideration to the effectiveness of such existing services, equipment, personnel, and facilities.

["CONSULTATION WITH OTHER FEDERAL, STATE, AND LOCAL OFFICIALS

["SEC. 812. In carrying out the provisions of this title, including the issuance of regulations, the Attorney General, the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration, and the Directors of the National Institute of Justice and the Bureau of Justice Statistics shall consult with other Federal departments and agencies and State and local officials.

["REIMBURSEMENT AUTHORITY

["SEC. 813. (a) The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of their functions under this title.

["(b) The National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, and the Office of Justice Assistance, Research, and Statistics in carrying out their respective functions may use grants, contracts, or cooperative agreements in accordance with the standards established in the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.).

["SERVICES OF EXPERTS AND CONSULTANTS; ADVISORY COMMITTEES

["SEC. 814. (a) The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate then payable for GS-18 by section 5332 of title 5, United States Code.

["(b) The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration are authorized to appoint, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, technical or other advisory committees to advise them with respect to the administration of this title as they deem necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising them or attending meetings of the committees, shall be compensated at rates to be fixed by the Offices but not to exceed the daily equivalent of the rate then payable for GS-18 by section 5332 of title 5, United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

["(c) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration, and may be used to pay the transportation

and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the joint resolution entitled 'Joint resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. 551).

["PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES

["SEC. 815. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other criminal justice agency of any State or any political subdivision thereof.

["(b) Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration—

["(1) to require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency; or

["(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

["(c)(1) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.

["(2)(A) Whenever there has been—

["(i) receipt of notice of a finding, after notice and opportunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency, to the effect that there has been a pattern or practice of discrimination in violation of prograph (1); or

["(ii) a determination after an investigation by the Office of Justice Assistance, Research, and Statistics (prior to a hearing under subparagraph (F) but including an opportunity for the State government or unit of local government to make a documentary submission regarding the allegation of discrimination with respect to such program or activity, with funds made available under this title) that a State government or unit of local government is not in compliance with paragraph (1);

the Office of Justice Assistance, Research, and Statistics shall, within ten days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of local government is located, and the chief executive of such unit of local government, that such program or activity has been so found or determined not to be in compliance with paragraph (1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of

clause (i) a finding by a Federal or State Administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code.

["(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of local government), and by the Office of Justice Assistance, Research, and Statistics. On or prior to the effective date of the agreement, the Office of Justice Assistance, Research, and Statistics shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of local government) shall file semiannual reports with the Office of Justice Assistance, Research, and Statistics detailing the steps taken to comply with the agreement. These reports shall cease to be filed upon the determination of the Office of Justice Assistance, Research, and Statistics that compliance has been secured, or upon the determination by a Federal or State court that such State government or local governmental unit is in compliance with this section. Within fifteen days of receipt of such reports, the Office of Justice Assistance, Research, and Statistics shall send a copy thereof to each such complainant.

["(C) If, at the conclusion of ninety days after notification under subparagraph (A)—

["(i) compliance has not been secured by the chief executive of that State or the chief executive of that unit of local government; and

["(ii) an administrative law judge has not made a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the Office of Justice Assistance, Research, and Statistics shall notify the Attorney General that compliance has not been secured and caused to have suspended further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Office of Justice Assistance, Research, and Statistics in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than one hundred and twenty days, or, if there is a hearing under subparagraph (G), not more than thirty days after the conclusion of such hearing, unless there has been an express finding by the Office of Justice Assistance, Research, and Statistics, after notice and opportunity for such a hearing, that the recipient is not in compliance with paragraph (1).

["(D) Payment of the suspended funds shall resume only if—

["(i) such State government or unit of local government enters into a compliance agreement approved by the Office of Justice Assistance, Research, and Statistics and the Attorney General in accordance with subparagraph (B);

["(ii) such State government or unit of local government complies fully with the final order or judgment of a Federal or

State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the Office of Justice Assistance, Research, and Statistics in the notice pursuant to subparagraph (A), or is found to be in compliance with paragraph (1) by such court; or

["(iii) after a hearing the Office of Justice Assistance, Research, and Statistics pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

["(E) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national orgin, or sex in any program or activity of a State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party with in forty-five days after such filing has been granted such preliminary relief with regard to the suspension or payment of funds as may be otherwise available by law, the Office of Justice Assistance, Research, and Statistics shall cause to have suspended further payment of any funds under this title to that specific program or activity alleged by the Attorney General to be in violation of the provisions of this subsection until such time as the court orders resumption of payment.

["(F) Prior to the suspension of funds under subparagraph (C), but within the ninety-day period after notification under subparagraph (C), the State government or unit of local government may request an expedited preliminary hearing of the record in accordance with section 554 of title 5, United States Code, in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under subparagraph (G), prevail on the merits on the issue of the alleged noncompliance. A finding under this subparagraph by the administrative law judge in favor of the State government or unit of local government shall defer the suspension of funds under subparagraph (C) pending a finding of noncompliance at the conclusion of the hearing on the merits under subparagraph (G).

["(G)(i) At any time after notification under subparagraph (A), but before the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), a State government or unit of local government may request a hearing on the record in accordance with section 554 of title 5, United States Code, which the Office of Justice Assistance Research, and Statistics shall initiate within sixty days of such request.

["(ii) Within thirty days after the conclusion of the hearing, or, in the absence of a hearing at the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), the Office of Justice Assistance, Research, and Statistics shall make a finding of compliance or noncompliance. If the Office of Justice Assistance, Research, and Statistics makes a finding of noncompliance, the Office of Justice Assistance, Research, and Statistics shall notify the Attorney General in order that the Attorney General may institute a civil action under paragraph (3), cause to have terminated the payment of funds under this title, and, if appropriate, seek repayment of such funds.

["(iii) If the Office of Justice Assistance, Research, and Statistics makes a finding of compliance, payment of the suspended funds shall resume as provided in subparagraph (D).

["(H) Any State government or unit of local government aggrieved by a final determination of the Office of Justice Assistance, Research, and Statistics under subparagraph (G) may appeal such determination as provided in section 805 of this title.

["(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged in or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

["(4)(A) Whenever a State government or unit of local government, or any officer or employee thereof acting in an official capacity, has engaged or is engaging in any act or practice prohibited by this subsection, a civil action may be instituted after exhaustion of administrative remedies by the person aggrieved in an appropriate United States district court or in a State court of general jurisdiction. Administrative remedies shall be deemed to be exhausted upon the expiration of sixty days after the date the administrative complaint was filed with the Office of Justice Assistance, Research, and Statistics or any other administrative enforcement agency, unless within such period there has been a determination by the Office of Justice Assistance, Research, and Statistics or the agency on the merits of the complaint, in which case such remedies shall be deemed exhausted at the time the determination becomes final.

["(B) In any civil action brought by a private person to enforce compliance with any provision of this subsection, the court may grant to a prevailing plaintiff reasonable attorney fees, unless the court determines that the lawsuit is frivolous, vexatious, brought for harassment purposes, or brought principally for the purpose of gaining attorney fees.

["(C) In any action instituted under this section to enforce compliance with paragraph (1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

["REPORT TO PRESIDENT AND CONGRESS

["SEC. 816. (a) On or before March 31 of each year, the Administrator of the Law Enforcement Assistance Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to parts D, E, F, and G during the preceding fiscal year. Such report shall include—

["(1) a description of the progress made in accomplishing the objectives of such parts;

["(2) a description of the national priority programs and projects established pursuant to part E;

["(3) the amounts obligated under parts D, E, and F for each of the components of the criminal justice system;

["(4) the nature and number of jurisdictions which expended funds under part D on national priority programs or projects established pursuant to part E, and the percentage of part D funds expended by such jurisdictions on such programs or projects;

["(5) a summary of the major innovative policies and programs for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing technical and financial aid and assistance to State and local governments pursuant to this title;

["(6) a description of the procedures used to audit, monitor, and evaluate programs or projects to insure that all recipients have complied with the title and that the information contained in the applications was correct;

["(7) the number of part D applications or amendments approved by the Administration without recommending substantial changes;

["(8) the number of part D applications or amendments in which the Administration recommended substantial changes, and the disposition of such programs or projects;

["(9) the number of programs or projects under part D applications or amendments with respect to which a discontinuation, suspension, or termination of payments occurred together with the reasons for such discontinuation, suspension, or termination;

["(10) the number of programs or projects under part D applications or amendments which were subsequently discontinued by the jurisdiction following the termination of funding under this title; and

["(11) a description of equipment whose cost in the aggregate was $100,000 or more that was purchased in connection with each program or project assisted under part D, and the current use status of such equipment.

["(b) Not later than three years after the date of enactment of the Justice System Improvement Act of 1979, the Administrator of the Law Enforcement Assistance Administration, after consultation with the Director of the National Institute of Justice, the Director of the Bureau of Statistics, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention, with respect to the receipt and compilation of evaluations, statistics, and performance reports required by this title, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report. The report shall set forth comprehensive statistics which, together with the Administrator's analysis and findings, shall indicate whether grants made to States or units of local government under parts D, E, and F have made a reasonably expected contribution toward—

["(1) improving and strengthening law enforcement agencies, as measured by arrest rates, incidence rates, victimization rates, the number of reported crimes, clearance rates, the number of patrol or investigative hours per uniformed officer, or any other appropriate objective measure;

["(2) improving the police utilization of community resources through support of joint police-community projects designed to prevent or control neighborhood crime;

["(3) disrupting illicit commerce in stolen goods and property;

["(4) combating arson;

["(5) developing investigations and prosecutions of white-collar crime, organized crime, public-corruption-related offenses, and fraud against the government;

["(6) reducing the time between arrest or indictment and disposition of trial;

["(7) increasing the use and development of alternatives to the prosecution of selected offenders;

["(8) increasing the development and use of alternatives to pretrial detention that assure return to court and a minimization of the risk of danger;

["(9) increasing the rate at which prosecutors obtain convictions against habitual, nonstatus offenders;

["(10) developing and implementing programs which provide assistance to victims and witnesses, including restitution by the offender, programs encouraging victim and witness participation in the criminal justice system, and programs designed to prevent retribution against or intimidation of witnesses by persons charged with or convicted of crimes;

["(11) providing competent defense counsel for indigent and eligible low-income persons accused of criminal offenses;

["(12) developing projects to identify and meet the needs of drug dependent offenders;

["(13) increasing the availability and use of alternatives to maximum-security confinement of convicted offenders who pose no threat to public safety;

["(14) reducing the rates of violence among inmates in places of detention and confinement;

["(15) improving conditions of detention and confinement in adult and juvenile correctional institutions, as measured by the number of such institutions administering programs meeting accepted standards;

["(16) training criminal justice personnel in programs meeting standards recognized by the Administrator;

["(17) revision and recodification by States and units of local government of criminal statutes, rules, and procedures and revision of statutes, rules, and regulations governing State and local criminal justice agencies; and

["(18) developing statistical and evaluative systems in States and units of local government which assist the measurement of indicators in each of the areas described in paragraphs (1) through (17).

Such report shall identify separately, to the maximum practicable extent, such contribution according to the parts of this title under which such grants are authorized and made.

["(c) Not later than two hundred and seventy days after the date of enactment of the Justice System Improvement Act of 1979, the Administrator of the Law Enforcement Assistance Administration shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives a plan for the collection, analysis, and evaluation of any data relevant to measure, as objectively as is practicable, progress in each of the areas described in subsection (b). In developing such plan, the Administrator of the Law Enforcement Assistant Administration shall consult with the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Committees on the Judiciary of the Senate and the House of Representatives. After such consultation and at any time prior to the submission of such plan as required by this subsection, the Administrator may recommend to such committees reporting areas in addition to those described in subsection (b). Such plans shall include the Administrator's recommended definitions of the terms 'comprehensive statistics' and 'reasonably expected contribution' as used in subsection (b), which take into account the total amount of funds available for distribution to States and units of local government under parts D, E, and F, as compared to the total amount of funds available for expenditure by States and units of local government for criminal justice purposes. Such plan shall be used by the Administrator in preparing the report required by subsection (b).

["(d) The report required by subsection (b) shall address whether a reasonably expected contribution has been attained in the areas described in subsection (b) and any area added by the Administrator under subsection (c).

["(e) To the maximum extent feasible, the Administrator shall minimize duplication in data collection requirements imposed on grantee agencies by this section.

["RECORDKEEPING REQUIREMENT

["SEC. 817. (a) Each recipient of funds under this title shall keep such records as the Office of Justice Assistance, Research, and Statistics shall prescribe, including records which fully disclose the amount and disposition by such recipient of the funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

["(b) The Office of Justice Assistance, Research, and Statistics or any of its duly authorized representatives, shall have access for purpose of audit and examination of any books, documents, papers, and records of the recipients of funds under this title which in the opinion of the Office of Justice Assistance, Research, and Statistics may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

["(c) The Comptroller General of the United States or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers, and records of recipients of Federal funds under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

["(d) Within one hundred and twenty days after the enactment of this subsection, the Office of Justice Assistance, Research, and Statistics shall review existing civil rights regulations and conform them to this title. Such regulations shall include—

["(1) reasonable and specific time limits for the Office of Justice Assistance, Research, and Statistics to respond to the filing of a complaint by any person alleging that a State government or unit of local government is in violation of the provisions of section 815(c) of this title, including reasonable time limits for instituting an investigation, making an appropriate determination with respect to the allegations, and advising the complainant of the status of the complaint; and

["(2) reasonable and specific time limits for the Office of Justice Assistance, Research, and Statistics to conduct independent audits and reviews of State governments and units of local government receiving funds pursuant to this title for compliance with the provisions of section 815(c) of this title.

["(e) The provisions of this section shall apply to all recipients of assistance under this title, whether by direct grant, cooperative agreement, or contract under this title or by subgrant or subcontract from primary grantees or contractors under this title.

["(f) There is hereby established within the Law Enforcement Assistance Administration a revolving fund for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt illicit commerce in such goods and property. Notwithstanding any other provision of law, any income or royalties generated from such projects together with income generated from any sale or use of such goods or property, where such goods or property are not claimed by their lawful owner, shall be paid into the revolving fund. Where a party establishes a legal right to such goods or property, the Administrator of the fund may in his discretion assert a claim against the property or goods in the amount of Federal funds used to purchase such goods or property. Proceeds from such claims shall be paid into the revolving fund. The Administrator is authorized to make disbursements by appropriate means, including grants, from the fund for the purpose of this section.

["CONFIDENTIALITY OF INFORMATION

["SEC. 818. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, and no recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person

for any purpose other than the purpose for which it was obtained in accordance with this title. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

["(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Office of Justice Assistance, Research, and Statistics shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

["(c) All criminal intelligence systems operating through support under this title shall collect, maintain, and disseminate criminal intelligence information in conformance with policy standards which are prescribed by the Office of Justice Assistance, Research, and Statistics and which are written to assure that the funding and operation of these systems furthers the purpose of this title and to assure that such systems are not utilized in violation of the privacy and constitutional rights of individuals.

["(d) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law.

["AUTHORITY TO ACCEPT VOLUNTARY SERVICES

["SEC. 819. The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration are authorized to accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)). Such individuals shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims.

["ADMINISTRATION OF JUVENILE DELINQUENCY PROGRAMS

["SEC. 820. (a) All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

["(b) The Director of the National Institute of Justice and the Director of the Bureau of Justice Statistics shall work closely with the Administrator of the Office of Juvenile Justice and Delinquency Prevention in developing and implementing programs in the juvenile justice and delinquency prevention field.

["PROHIBITION ON LAND ACQUISITION

["SEC. 821. No funds under this title shall be used for land acquisition.

["PROHIBITION ON USE OF CIA SERVICES

["SEC. 822. Notwithstanding any other provision of this title, no use will be made of services, facilities, or personnel of the Central Intelligence Agency.

["INDIAN LIABILITY WAIVER

["SEC. 823. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.

["DISTRICT OF COLUMBIA MATCHING FUND SOURCE

["SEC. 824. Funds appropriated by the Congress for the activities of any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia may be used to provide the non-Federal share of the cost of programs or projects funded under this title.

["LIMITATION ON CIVIL JUSTICE MATTERS

["SEC. 825. Authority of any entity established under this title shall extend to civil justice matters only to the extent that such civil justice matters bear directly and substantially upon criminal justice matters or are inextricably intertwined with criminal justice matters.

["REIMBURSEMENT FOR UNUSED EQUIPMENT

["SEC. 826. The Law Enforcement Assistance Administration may require a State council, a grantee, or other recipient of assistance under this title to reimburse the Administration for the federally assisted part of the cost of any equipment whose purchase was in connection with a program or project assisted by such Administration under this title and which cost in the aggregate $100,000, or more, if such equipment has not been placed in use one year after the date set at the time of purchase for the commencement of such use, or has not continued in use during its useful life. In lieu of requiring reimbursement under this section, such Administration may require that the State council, a grantee, or other recipient of assistance under this title take appropriate measures to put such equipment into use.

["PRISON INDUSTRY ENHANCEMENT

["SEC. 827. (a) Section 1761 of title 18, United States Code, is amended by adding thereto a new subsection (c) as follows—

[" '(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall also not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners participating in a program of not more than seven pilot projects designated by the Administrator of the Law Enforcement Assistance Administration and who—

[" '(1) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

[" '(A) taxes (Federal, State, local);

[" '(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief State correctional officer;

[" '(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

[" '(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

[" '(2) have not solely by their status as offenders, been deprived of the right to participate in benefits made available by the Federal or State government to other individuals on the basis of their employment, such as workmen's compensation. However, such convicts or prisoners shall not be qualified to receive any payments for unemployment compensation while incarcerated, notwithstanding any other provision of the law to the contrary;

[" '(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.'.

["(b) The first section of the Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes', approved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), commonly known as the Walsh-Healey Act, is amended by adding to the end of subsection (d) thereof, before '; and', the following: ', except that this section, or any other law or Executive order containing similar prohibitions against purchase of goods by the Federal Government, shall not apply to convict labor which satisfies the conditions of section 1761(c) of title 18, United States Code'.

["(c) The provisions of this section creating exemptions to Federal restrictions on marketability of prison made goods shall not apply unless—

["(1) representatives of local union central bodies or similar labor union organizations have been consulted prior to the ini-

tiation of any project qualifying of any exemption created by this section; and

["(2) such paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services.

["PART I—DEFINITIONS

["DEFINITIONS

["SEC. 901. (a) As used in this title—

["(1) 'criminal justice' means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency;

["(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

["(3) 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia;

["(4) 'construction' means the erection, acquisition, or expansion of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor, but does not include renovation, repairs, or remodeling;

["(5) 'combination' as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a criminal justice program or project;

["(6) 'public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

["(7) 'correctional institution or facility' means any place for the confinement or rehabilitation of offenders or individuals charged with or convicted of criminal offenses;

["(8) 'comprehensive', with respect to an application, means that the application must be based on a total and integrated analysis of the criminal justice problems, and that goals, prior-

ities, and standards for methods, organization, and operation performance must be established in the application;

["(9) 'criminal history information' includes records and related data, contained in an automated or manual criminal justice informational system, compiled by law enforcement agencies for the purpose of identifying criminal offenders and alleged offenders and maintaining as to such persons records of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation, and release;

["(10) 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title;

["(11) 'neighborhood or community-based organizations' means organizations which are representative of communities or significant segments of communities;

["(12) 'chief executive' means the highest official of a State or local jurisdiction;

["(13) 'municipality' means—

["(A) any unit of local government which is classified as a municipality by the United States Bureau of the Census; or

["(B) any other unit of local government which is a town or township and which, in the determination of the Administration—

["(i) possesses powers and performs functions comparable to those associated with municipalities;

["(ii) is closely settled; and

["(iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census;

["(14) 'population' means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time;

["(15) 'Attorney General' means the Attorney General of the United States or his designee;

["(16) 'court of last resort' means that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and final appellate authority, court of last resort shall mean the highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. Except as used in the definition of the term 'court of last resort' the term 'court' means a tribunal recognized as a part of the judicial branch of a State or of its local government units;

["(17) 'institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), subject, however, to such modifi-

cations and extensions as the Administration may determine to be appropriate;

["(18) 'white-collar crime' means an illegal act or series of illegal acts committed by nonphysical means and by concealment or guile, to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage;

["(19) 'proven effectiveness' means that a program, project, approach, or practice has been shown by analysis of performance and results to make a significant contribution to the accomplishment of the objectives for which it was undertaken or to have a significant effect in improving the condition or problem it was undertaken to address;

["(20) 'record of proven success' means that a program, project, approach, or practice has been demonstrated by evaluation or by analysis of performance data and information to be successful in a number of jurisdictions or over a period of time in contributing to the accomplishment of objectives or to improving conditions identified with the problem, to which it is addressed; and

["(21) 'high probability of improving the criminal justice system' means that a prudent assessment of the concepts and implementation plans included in a proposed program, project, approach, or practice, together with an assessment of the problem to which it is addressed and of data and information bearing on the problem, concept, and implementation plan, provides strong evidence that the proposed activities would result in identifiable improvements in the criminal justice system if implemented as proposed.

["(b) Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Administration may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

["(c) One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of local government to undertake a program or project in whole or in part.

["PART J—FUNDING

["AUTHORIZATION OF APPROPRIATIONS

["SEC. 1001. There is authorized to be appropriated to carry out the functions of the Bureau of Justice Statistics $25,000,000 for the fiscal year ending September 30, 1980; $25,000,000 for the fiscal year ending September 30, 1981; $25,000,000 for the fiscal year ending September 30, 1982; and $25,000,000 for the fiscal year ending September 30, 1983. There is authorized to be appropriated

to carry out the functions of the National Institute of Justice $25,000,000 for the fiscal year ending September 30, 1980; $25,000,000 for the fiscal year ending September 30, 1981; $25,000,000 for the fiscal year ending September 30, 1982; and $25,000,000 for the fiscal year ending September 30, 1983. There is authorized to be appropriated for parts D, E, F, G, H, and J, and for the purposes of carrying out the remaining functions of the Law Enforcement Assistance Administration, other than part L, $750,000,000 for the fiscal year ending September 30, 1980; $750,000,000 for the fiscal year ending September 30, 1981; $750,000,000 for the fiscal year ending September 30, 1982; and $750,000,000 for the fiscal year ending September 30, 1983. Funds appropriated for any fiscal year may remain available for obligation until expended. There is authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part L.

[''MAINTENANCE OF EFFORT

[''SEC. 1002. In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations for each fiscal year, at least 19.15 per centum of the total appropriations under this title, for juvenile delinquency programs, with primary emphasis on programs for juveniles convicted of criminal offenses or adjudicated delinquent on the basis of an act which would be a criminal offense if committed by an adult.

[''AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF ANTI-CRIME PROGRAMS

[''SEC. 1003. There are authorized to be appropriated for the purposes of carrying out the functions of the Office of Community Anti-Crime Programs $25,000,000 for the fiscal year ending September 30, 1980; $25,000,000 for the fiscal year ending September 30, 1981; $25,000,000 for the fiscal year ending September 30, 1982; and $25,000,000 for the fiscal year ending September 30, 1983.

[''PART K—CRIMINAL PENALTIES

[''MISUSE OF FEDERAL ASSISTANCE

[''SEC. 1101. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Law Enforcement Assistance Administration, the National Institute of Justice, the Bureau of Justice Statistics, or whoever receives, conceals, or retains such funds, assets or property with intent to convert such funds, assets or property to his use or gain, knowing such funds, assets, or property has been embezzled, willfully misapplied, stolen or obtained by fraud, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

["FALSIFICATION OR CONCEALMENT OF FACTS

["SEC. 1102. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

["CONSPIRACY TO COMMIT OFFENSE AGAINST UNITED STATES

["SEC. 1103. Any law enforcement or criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Law Enforcement Assistance Administration, the National Institute of Justice, or the Bureau of Justice Statistics shall be subject to the provisions of section 371 of title 18, United States Code.

["PART L—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

["PAYMENTS

["SEC. 1201. (a) In any case in which the Administration determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Administration shall pay a benefit of $50,000 as follows:

["(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

["(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

["(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

["(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

["(b) Whenever the Administration determines upon a showing of need and prior to taking final action, that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding $3,000 to the person entitled to receive a benefit under subsection (a) of this section.

["(c) The amount of an interim payment under subsection (b) shall be deducted from the amount of any final benefit paid to such person.

["(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) shall be liable for repayment of such amount. The Administration may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

["(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by—

[“(1) payments authorized by section 8191 of title 5, United States Code; or

[“(2) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1)).

[“(f) No benefit paid under this part shall be subject to execution or attachment.

[“LIMITATIONS

[“SEC. 1202. No benefit shall be paid under this part—

[“(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

[“(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

[“(3) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

[“DEFINITIONS

[“SEC. 1203. As used in this part—

[“(1) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

[“(i) eighteen years of age or under;

[“(ii) over eighteen years of age and a student as defined in section 8101 of title 5, United States Code; or

[“(iii) over eighteen years of age and incapable of self-support because of physical or mental disability;

[“(2) 'dependent' means a person who was substantially reliant for support upon the income of the deceased public safety officer;

[“(3) 'fireman' includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department;

[“(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

[“(5) 'law enforcement officer' means a person involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws. This includes, but is not limited to, police, corrections, probation, parole, and judicial officers;

[“(6) 'public agency' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, combination of such States, or units, or any department, agency, or instrumentality of any of the foregoing; and

[“(7) 'public safety officer' means a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or a fireman.

["ADMINISTRATIVE PROVISIONS

["SEC. 1204. (a) The Administration is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part. Rules, regulations, and procedures issued under this part may include regulations governing the recognition of agents or other persons representing claimants under this part before the Administration. The Administration may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Administration, and any agreement in violation of such rules and regulations shall be void.

["(b) In making determinations under section 1201, the Administration may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Administration.

["PART M—TRANSITION—EFFECTIVE DATE—REPEALER

["CONTINUATION OF RULES, AUTHORITIES, AND PROCEEDINGS

["SEC. 1301. (a) All orders, determinations, rules, regulations, and instructions of the Law Enforcement Assistance Administration which are in effect on the date of the enactment of the Justice System Improvement Act of 1979 shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, the Office of Justice Assistance, Research, and Statistics or the Director of the Bureau of Justice Statistics, the National Institute of Justice, or the Administrator of the Law Enforcement Assistance Administration with respect to their functions under this title or by operation of law.

["(b) The Director of the National Institute of Justice may award new grants, enter into new contracts or cooperative agreements, or otherwise obligate previously appropriated unused or reversionary funds for the continuation of research and development projects in accordance with the provisions of this title as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979, based upon applications received under this title before the date of the enactment of such Act or for purposes consistent with provisions of this title.

["(c) The Director of the Bureau of Justice Statistics may award new grants, enter into new contracts or cooperative agreements or otherwise obligate funds appropriated for fiscal years before 1980 for statistical projects to be expended in accordance with the provisions of this title, as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979, based upon applications received under this title before the date of the enactment of such Act or for purposes consistent with provisions of this title.

["(d) The Administrator of the Law Enforcement Assistance Administration may award new grants, enter into new contracts or cooperative agreements, approve comprehensive plans for the fiscal

year beginning October 1, 1979, and otherwise obligate previously appropriated unused or reversionary funds or funds appropriated for the fiscal year beginning October 1, 1979, for the continuation of projects in accordance with the provisions of this title, as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979 or for purposes consistent with provisions of this title.

["(e) The amendments made to this title by the Justice System Improvement Act of 1979 shall not affect any suit, action, or other proceeding commenced by or against the Government before the date of the enactment of such Act.

["(f) Nothing in this title prevents the utilization of funds appropriated for purposes of this title for all activities necessary or appropriated for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts that were awarded under this title. The final disposition and dissemination of program and project accomplishments with respect to programs and projects approved in accordance with this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, which continue in operation beyond the date of the enactment of such Act may be carried out with funds appropriated for purposes of this title.

["(g) Except as otherwise provided in this title, the personnel employed on the date of enactment of the Justice System Improvement Act of 1979 by the Law Enforcement Assistance Administration are transferred as appropriate to the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice or the Bureau of Justice Statistics, considering the function to be performed by these organizational units and the functions previously performed by the employee. Determinations as to specific positions to be filled in an acting capacity for a period of not more than ninety days by the Administrator and Deputy Administrators employed on the date of enactment of the Justice System Improvement Act of 1979 may be made by the Attorney General notwithstanding any other provision of law.

["(h) Any funds made available under parts B, C, and E of this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, which are not obligated by a State or unit of local government, may be used to provide up to 100 per centum of the cost of any program or project.

["(i) Notwithstanding any other provision of this title, all provisions of this title, as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979, which are necessary to carry out the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, remain in effect for the sole purpose of carrying out the Juvenile Justice and Delinquency Prevention Act of 1974, and the State criminal justice council established under this title shall serve as the State planning agency for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974.

["(j) The functions, powers, and duties specified in this title to be carried out by State criminal justice councils or by local offices may be carried out by agencies previously established or designated as State, regional, or local planning agencies, pursuant to this title,

as in effect before the date of the enactment of the Justice System Improvement Act of 1979, if they meet the representation requirement of section 402 of this title within two years of the date of the enactment of the Justice System Improvement Act of 1979.

[''(k) Notwithstanding the provisions of section 404(c)(3), any construction projects which were funded under this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, and which were budgeted in anticipation of receiving additional Federal funding for such construction may continue for two years to be funded under this title.''.]

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"PART A—OFFICE OF JUSTICE ASSISTANCE

"ESTABLISHMENT OF OFFICE OF JUSTICE ASSISTANCE

"SEC. 101. There is hereby established an Office of Justice Assistance within the Department of Justice under the general authority of the Attorney General. The Office of Justice Assistance (hereafter referred to in this title as the 'Office') shall be headed by an Assistant Attorney General appointed by the President, by and with the consent of the Senate. The Assistant Attorney General shall have authority to award all grants, cooperative agreements, and contracts authorized under this title.

"DUTIES AND FUNCTIONS OF ASSISTANT ATTORNEY GENERAL

"SEC. 102. (a) The Assistant Attorney General shall—

"(1) publish and disseminate information on the conditions and progress of the criminal justice systems;

"(2) maintain liaison with the executive and judicial branches of the Federal and State Governments in matters relating to justice research and statistics, and cooperate in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

"(3) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice research and statistics;

"(4) maintain liaison with public and private educational and research institutions, State and local governments, and governments of other nations concerning justice research and statistics;

"(5) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

"(6) insure conformance with security and privacy regulations issued pursuant to section 1410 and, identify, analyze and participate in the development and implementation of privacy, security and information policies which impact on Federal and State criminal justice operations and related statistical activities;

"(7) directly provide staff support to, supervise and coordinate the activities of the Bureau of Justice Programs, the National Institute of Justice, the Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention;

"(8) exercie the powers and functions set out in Part N; and

"(9) exercise such other powers and functions as may be vested in the Assistant Attorney General pursuant to this title or by delegation of the Attorney General.

"(b) The Attorney General shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each annual report shall describe the activities carried out under the provisions of this title and shall contain such findings and recommendations as the Attorney General considers necessary or appropriate after consultation with the Assistant Attorney General and the Advisory Board.

"ADVISORY BOARD

"SEC. 103. (a) There is hereby established a Justice Assistance Board (hereinafter referred to as the 'Board'). The Board shall consist of not more than twenty-one members who shall be appointed by the President. The members shall include representatives of the public, various components of the criminal justice system at all levels of government, and persons experienced in the criminal justice system, including the design, operation and management of programs at the State and local level. The President shall designate from among its members a Chairman and Vice Chairman. The Vice Chairman is authorized to sit and act in the place of the Chairman in the absence of the Chairman. The Assistant Attorney General shall be a non-voting member of the Board and shall not serve as Chairman or Vice Chairman. Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of an original appointment.

"(b) The Board may make such rules respecting organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the full Board assents.

"(c) The members of the Board shall serve at the pleasure of the President and shall have no fixed term. The members of the Board shall receive compensation for each day engaged in the actual performance of duties vested in the Board at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses.

"(d) The Board shall—

"(1) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Bureau of Justice Programs, the Bureau of Criminal Justice facilities, the National Institute of Justice and the Bureau of Justice Statistics in research, statistics and program priorities;

"(2) review demonstration programs funded under part B, and evaluations thereof, and advise the Assistant Attorney General of the results of such review and evaluations; and

"(3) undertake such additional related tasks as the Board may deem necessary.

"(e) In addition to the powers and duties set forth elsewhere in this title, the Assistant Attorney General shall exercise such powers and duties of the Board as may be delegated to the Assistant Attorney General by the Board.

"(f) The Assistant Attorney General shall provide staff support to assist the Board in carrying out its activities.

"PART B—BUREAU OF JUSTICE PROGRAMS

"ESTABLISHMENT OF BUREAU OF JUSTICE PROGRAMS

"SEC. 201. (a) There is established within the Office of Justice Assistance a Bureau of Justice Programs (hereinafter referred to in this part as the 'Bureau').

"(b) The Bureau shall be headed by a Director who shall be appointed by the Attorney General. The director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this title.

"DUTIES AND FUNCTIONS OF DIRECTOR

"SEC. 202. The Director shall—

"(1) provide funds to eligible States, units of local government and private nonprofit organizations pursuant to part E and part F;

"(2) establish priorities for programs in accordance with part E and, following public announcement of such priorities, award and allocate funds and technical assistance in accordance with the criteria of part F and on terms and conditions determined by the Director to be consistent with part F;

"(3) cooperate with and provide technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities;

"(4) provide for the development of technical assistance and training programs for State and local criminal justice agencies and foster local participation in such activities;

"(5) encourage the targetting of State and local resources on efforts to reduce the incidence of violent crime and on programs relating to the apprehension and prosecution of repeat offenders;

"(6) advise and make recommendations to the Assistant At torney General on the policies and priorities of the Office relating to the Bureau; and

"(7) exercise such other powers and functions as may be vested in the Director pursuant to this title.

"PART C—NATIONAL INSTITUTE OF JUSTICE

"NATIONAL INSTITUTE OF JUSTICE

"SEC. 301. It is the purpose of this part to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of—

"(1) improving Federal, State and local criminal justice systems and related aspects of the civil justice system;

"(2) preventing and reducing crimes;

"(3) insuring citizen access to appropriate dispute-resolution forums;

"(4) improving efforts to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption; and

"(5) identifying programs of proven and demonstrated success or programs which are likely to be successful.

The Institute shall have authority to engage in and encourage research and development to improve and strengthen the criminal justice system and related aspects of the civil justice system and to disseminate the results of such efforts to units of Federal, State, and local governments, to develop alternatives to judicial resolution of disputes, to evaluate the effectiveness of programs funded under this title, to develop and demonstrate new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this title which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated. In carrying out the provisions of this part the Institute shall give primary emphasis to the problems of State and local justice systems.

"ESTABLISHMENT, DUTIES, AND FUNCTIONS

"SEC. 302. (a) There is established within the Office of Justice Assistance a National Institute of Justice (hereinafter referred to in this title as the 'Institute').

"(b) The Institute shall be headed by a Director appointed by the Attorney General. The Director shall have had experience in justice research. The Director shall have such authority as delegated by the Assistant Attorney General to make grants, cooperative agreements, and contracts awarded by the Institute. The Director shall not

engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Institute makes any contract or other arrangements under this title.

"(c) The Institute is authorized to—

"(1) make grants to, or enter into cooperative agreements or contracts with, States, units of local government or combinations thereof, public agencies, institutions of higher education, private organizations, or individuals to conduct research, demonstration or special projects pertaining to the purposes described in this part, and provide technical assistance and training in support of tests, demonstrations, and special projects;

"(2) conduct or authorize multiyear and short-term research and development concerning the criminal and civil justice systems in an effort—

"(A) to identify alternative programs for achieving system goals;

"(B) to provide more accurate information on the causes and correlates of crime;

"(C) to analyze the correlates of crime and juvenile delinquency and provide more accurate information on the causes and correlates of crime and juvenile delinquency;

"(D) to improve the functioning of the criminal justice system;

"(E) to develop new methods for the prevention and reduction of crime, including but not limited to the development of programs to facilitate cooperation among the States and units of local government, the detection and apprehension of criminals, the expeditious, efficient, and fair disposition of criminal and juvenile delinquency cases, the improvement of police and minority relations, the conduct of research into the problems of victims and witnesses of crime, the feasibility and consequences of allowing victims to participate in criminal justice decision making, the feasibility and desirability of adopting procedures and programs which increase the victim's participation in the criminal justice process, the reduction in the need to seek court resolution of civil disputes, and the development of adequate corrections facilities and effective programs of correction; and

"(F) to develop programs and projects to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, and States and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption.

In carrying out the provisions of this subsection, the Institute may request the assistance of both public and private research agencies;

"(3) evaluate the effectiveness of projects or programs carried out under this title;

"(4) make recommendations to the Assistant Attorney General for action which can be taken by units of Federal, State, and local governments and by private persons and organizations to improve and strengthen criminal and civil justice systems;

"(5) provide research fellowships and clinical internships and carry out programs of training and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects including those authorized by this part;

"(6) collect and disseminate information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, and private organizations relating to the purposes of this part;

"(7) serve as a national and international clearinghouse for the exchange of information with respect to the purposes of this part;

"(8) encourage, assist, and serve in a consulting capacity to Federal, State, and local justice system agencies in the development, maintenance, and coordination of criminal and civil justice programs and services;

"(9) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Office relating to the Institute; and

"(10) exercise such administrative functions under Part N as may be delegated by the Assistant Attorney General.

"(d) To insure that all criminal and civil justice research is carried out in a coordinated manner, the Institute is authorized to—

"(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefore;

"(2) confer with and avail itself of the cooperation, services, records, and facilities of State or of municipal or other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section, and the agencies shall provide such information to the Institute as required to carry out the purposes of this part;

"(4) seek the cooperation of the judicial branches of Federal and State Government in coordinating civil and criminal justice research and development.

"AUTHORITY FOR 100 PER CENTUM GRANTS

"SEC. 303. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"PART D—BUREAU OF JUSTICE STATISTICS

"BUREAU OF JUSTICE STATISTICS

"SEC. 401. It is the purpose of this part to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to encourage the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of govenment to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall give primary emphasis to the needs of State and local justice systems, both individually and as a whole.

"ESTABLISHMENT, DUTIES AND FUNCTIONS

"SEC. 402. (a) There is established within the Office of Justice Assistance a Bureau of Justice Statistics (hereinafter referred to in this part as the "Bureau").

"(b) The Bureau shall be headed by a Director appointed by the Attorney General. The Director shall have had experience in statistical programs. The Director shall have such authority as delegated by the Assistant Attorney General to make grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

"(c) The Bureau is authorized to—

"(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this part; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

"(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

"(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of National, State, and local justice policy and decisionmaking;

"(4) collect and analyze statistical information concerning the operations of the criminal justice system at the Federal, State, and local levels;

"(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinguency, at the Federal, State, and local levels;

"(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

"(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States;

"(8) recommend to the Assistant Attorney General national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this title;

"(9) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

"(10) conduct or support research relating to methods of gathering or analyzing justice statistics;

"(11) provide justice information systems programs and assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

"(12) develop and maintain a data processing capability to support the collection, aggregation, analysis, and dissemination of information on the incidence of crime and the operation of the criminal justice system;

"(13) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data and other justice information;

"(14) insure conformance with security and privacy requirements of section 1410 and regulations issued pursuant thereto;

"(15) advise and make recommendations to the Assistant Attorney General on the policies and priorities of the Office relating to the Bureau; and

"(16) exercise such administrative functions under Part N as may be delegated by the Assistant Attorney General.

"(d) To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Bureau is authorized to—

"(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local and private agencies and instrumentalities with or without reimbursement therefore, and to enter into agreements with the aforementioned agencies and instrumentalities for purposes of data collection and analysis;

"(2) confer and cooperate with State, municipal, and other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this title;

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"(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; and

"(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy and data.

"(e) Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) shall provide such information to the Bureau as is required to carry out the purposes of this section.

"(f) In recommending standards for gathering justice statistics under this section, the Bureau shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

"AUTHORITY FOR 100 PER CENTUM GRANTS

"SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"USE OF DATA

"SEC. 404. Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

"PART E—STATE AND LOCAL ALLOCATIONS

"DESCRIPTION OF PROGRAM

"SEC. 501. (a) It is the purpose of this part to assist States and units of local government in carrying out specific programs of proven effectiveness or which offer a high probability of improving the functions of the criminal justice systems and which focus primarily on violent crime and serious offenders. The Bureau of Justice Programs (hereinafter referred to in this part as the 'Bureau') is authorized, pursuant to authority delegated by the Assistant Attorney General, to establish criteria and make grants under this part to States for the purpose of funding specific programs and projects that—

"(1) increase the conviction rate of repeat or violent offenders through focused enforcement and prosecution units which target serious offenders for special prosecution action;

"(2) address the problem of serious and violent offenses committed by juveniles;

"(3) combat arson;

"(4) disrupt illicit commerce in stolen goods and property;

"(5) improve assistance (other than compensation) to crime victims, witnesses, and jurors;

"(6) improve the operational effectiveness of law enforcement by integrating and maximizing the effectiveness of police field operations and the use of crime analysis techniques;

"(7) encourage citizen action in crime prevention and cooperation with law enforcement;

"(8) reduce recidivism among drug or alcohol abusing offenders;

"(9) improve workload management systems for prosecutors;

"(10) provide training and technical assistance to justice personnel;

"(11) provide programs which alleviate prison and jail overcrowding, including alternatives to pretrial detention and alternative programs for non-violent offenders;

"(12) with respect to cases involving career criminals and violent crime, expedite the disposition of criminal cases, reform sentencing practices and procedures, improve court system management, improve the efficiency of the jury system and improve the processing of criminal cases involving the mentally ill;

"(13) implement programs that address critical problems of crime, such as drug trafficking, which have been certified by the Director, after consultation with the directors of National Institute of Justice, Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention, as having proved successful or which are innovative and have been deemed by the Director likely to prove successful.

"FEDERAL SHARE

"SEC. 502. (a) The Federal portion of any grant to a State made under this part shall be 50 per centum of the aggregate cost of programs and projects specified in the application for such grant.

"(b) The non-Federal portion of the cost of such programs or project shall be in cash.

"(c) In the case of a grant to an Indian tribe or other aboriginal group, the Bureau may increase the Federal portion of the cost of such program to the extent the Bureau deems necessary if the Bureau determines that the tribe or group does not have sufficient funds available to meet the non-Federal portion of such cost.

"(d) The Bureau may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years.

"APPLICATIONS

"SEC. 503. (a) No grant may be made by the Bureau to a State, or by a State to an eligible recipient pursuant to part E, unless the application sets forth criminal justice programs covering a two-year period which meet the objectives of section 501, designates which objective specified in section 501(a) each such program is intended to achieve, and identifies the State agency or unit of local government which will implement each such program. This application must be amended annually if new programs are to be added to the application or if the programs contained in the original application are not implemented. The application must include—

"(1) an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Bureau, where the applicant is a State:

"(A) a performance report concerning the activities carried out pursuant to this title; and

"(B) an assessment by the applicant of the impact of those activities on the objectives of this title and the needs and objectives identified in the applicant's statement;

"(2) a certification that Federal funds made available under this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice activities;

"(3) fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Bureau shall prescribe will be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this title;

"(4) an assurance that the State will maintain such data and information and submit such reports in such form, at such times and containing such data and information as the Bureau may reasonably require to administer other provisions of this title;

"(5) a certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Bureau and shall be executed by the chief executive or other officer of the applicant qualified under regulations promulgated by the Bureau;

"(6) satisfactory assurances that equipment, whose purchase was previously made in connection with a program or project in such State assisted under this title and whose cost in the aggregate was $100,000 or more, has been put into use not later than one year after the date set at the time of purchase for the commencement of such use and has continued in use during its useful life.

"REVIEW OF APPLICATIONS

"SEC. 504. (a) The Bureau shall provide financial assistance to each State applicant under this part to carry out the programs or projects submitted by such applicant upon determining that the application or amendment thereof is consistent with requirements of this title and with the priorities and criteria established by the Bureau under section 501. Each application or amendment made and submitted for approval to the Bureau pursuant to section 503 of this title shall be deemed approved, in whole or in part, by the Bureau within sixty days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(b) The Bureau shall suspend funding for an approved application in whole or in part if such application contains a program or

project which has failed to conform to the requirements or statutory objectives of this Act. The Bureau may make appropriate adjustments in the amounts of grants in accordance with its findings pursuant to this subsection.

"(c) Grant funds awarded under this part and part F shall not be used for—

"(1) the purchase of equipment or hardware, or the payment of personnel costs, unless the cost of such purchases and payments is incurred as an incidental and necessary part of a program under section 501(a);

"(2) programs which have as their primary purpose general salary payments for employees or classes of employees within an eligible jurisdiction, except for the compensation of personnel for time engaged in conducting or undergoing training programs or the compensation of personnel engaged in research, development, demonstration, or short-term programs;

"(3) construction projects; or

"(4) programs or projects which, based upon evaluations by the Bureau, the National Institute of Justice, Bureau of Justice Statistics, State or local agencies, and other public or private organizations, have been demonstrated to offer a low probability of improving the functioning of the criminal justice system. Such programs must be formally identified by a notice in the Federal Register after opportunity for comment.

"(d) The Bureau shall not finally disapprove any application submitted to the Director under this part, or any amendments thereof, without first affording the applicant reasonable notice and opportunity for reconsideration.

"DISTRIBUTION OF FUNDS

"SEC. 505. (a) Of the total amount appropriated for this part and part F in any fiscal year, 80 per centum shall be set aside for this part and 20 per centum shall be set aside for part F. Funds set aside for this part shall be allocated to States as follows:

"(1) $250,000 shall be allocated to each of the participating States.

"(2) Of the total funds remaining for this part after the allocation under paragraph (1) there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of such State bears to the population of all the States.

"(b) Notwithstanding the requirements of section 505(a), if the total amount appropriated for this part and part F is less than $80,000,000 in any fiscal year, then the entire amount shall be set aside and reserved for allocation to the States according to the criteria established by the Director to provide for equitable distribution among the States.

"(c)(1) Each State which receives funds under this part in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purposes specified in section 501(a) not less than that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government

for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) In distributing funds received under this part among urban, rural and suburban units of local government and combinations thereof, the State shall give priority to those jurisdictions with greatest need.

"(3) Any funds not distributed to units of local government under paragraphs (1) and (2) shall be available for expenditure by the State involved.

"(4) For purposes of determining the distribution of funds under paragraphs (1) and (2), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

"(d) No funds allocated to a State under subsections (a) or (b) or received by a State for distribution under subsection (c) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

"(e) If the Bureau determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under this part or that a State chooses not to participate in the program established by this part, then such portion shall be awarded by the Director to urban, rural and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

"(f) Any funds not distributed under subsections (c) and (d) shall be available for obligation under part F.

"STATE OFFICE

"SEC. 506. (a) The chief executive of each participating State shall designate a State office for purposes of—

"(1) preparing an application to obtain funds under this part; and

"(2) administering funds received from the Bureau of Justice Programs, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

"(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

"PART F—DISCRETIONARY GRANTS

"PURPOSE

"SEC. 601. (a) The purpose of this part is to provide additional Federal financial assistance to States, units of local government, combinations of such units, and private nonprofit organizations for purposes of—

"(1) educational and training programs for criminal justice personnel;

"(2) providing technical assistance to States and local units of governments;

"(3) projects which are national or multi-State in scope and which address the purposes specified in section 501, and programs to improve the professionalism and performance of criminal justice agencies through the development of standards and voluntary accreditation processes; and

"(4) providing financial assistance to States, units of local government and private nonprofit organizations for demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction and are not likely to be funded with moneys from other sources.

"(b) The Director is authorized, pursuant to such authority as delegated by the Assistant Attorney General, to make grants, enter into cooperative agreements, and contracts with, States, units of local governments or combinations thereof, public agencies, institutions of higher education or private organizations.

"(c) The Federal portion of any grants made under this part may be made in amounts up to 100 per centum of the costs of the program or project.

"PROCEDURE FOR ESTABLISHING FUNDING AND SELECTION CRITERIA

"SEC. 602. The Bureau shall annually establish funding priorities and selection criteria for assistance after first providing notice and an opportunity for public comment.

"APPLICATION REQUIREMENTS

"SEC. 603. (a) No grant may be made pursuant to this part unless an application has been submitted to the Bureau in which the applicant—

"(1) sets forth a program or project which is eligible for funding pursuant to this part;

"(2) describes the services to be provided, performance goals and the manner in which the program is to be carried out;

"(3) describes the method to be used to evaluate the program or project in order to determine its impact and effectiveness in achieving the stated goals and agrees to conduct such evaluation according to the procedures and terms established by the Bureau;

"(4) indicates, if it is a private nonprofit organization, that it has consulted with appropriate agencies and officials of the State and units of local government to be affected by the program or project.

"(b) Each applicant for funds under this part shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Bureau.

"PERIOD FOR AWARD

"SEC. 604. The Bureau may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years. Grants made pursuant to this part may be extended or renewed by the Bureau for an additional period of up to two years if—

"(1) an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system; and

"(2) the State, unit of local government, or combination thereof and private nonprofit organizations within which the program or project has been conducted agrees to provide at least one-half of the total cost of such program or project from part E funds or from any other source of funds, including other Federal grants, available to the eligible jurisdiction. Funding for the management and the administration of national nonprofit organizations under section 601(c) of this part is not subject to the funding limitations of this section.

"PART G—CRIMINAL JUSTICE FACILITIES

"ESTABLISHMENT OF THE BUREAU OF CRIMINAL JUSTICE FACILITIES

"SEC. 701. (a) There is established within the Office of Justice Assistance a Bureau of Criminal Justice Facilities (hereinafter referred to in this part as the 'Bureau').

"(b) The Bureau shall be headed by a Director who shall be appointed by the Attorney General. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency or institution with which the Bureau makes any contract or other arrangement under this title.

"FUNCTIONS OF THE BUREAU

"SEC. 702. In order to carry out the purposes of this part, the Bureau shall—

"(1) make grants to States for the construction and modernization of correctional facilities in accordance with sections 704, 705, 706, 707, and 709, and

"(2) provide for the widest practical and appropriate dissemination of information obtained from the programs and projects assisted under this part.

"PAYMENTS

"SEC. 703. (a) The Director shall pay each fiscal year to a State which has a plan approved pursuant to this part for that fiscal year the Federal share of the cost of carrying out the plan.

"(b) The Federal share for each fiscal year shall be 50 per centum of the cost of the State plan.

"(c) The Administrator shall pay to each State which has an application approved pursuant to section 706, 50 per centum of the cost of such application.

"(d) Payments under this section may be made in installments, in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

"GRANTS FOR THE RENOVATION AND CONSTRUCTION OF CRIMINAL JUSTICE FACILITIES—PROGRAM AUTHORIZED

"SEC. 704. The Director of the Bureau of Criminal Justice Facilities is authorized to make grants to States in accordance with the provisions of this part for the renovation and construction of correctional facilities beginning October 1, 1984, and ending September 30, 1987.

"ALLOTMENT

"SEC. 705. (a) From the sums appropriated for each fiscal year, the Director shall allot not more than 3 per centum thereof among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands according to their respective needs.

"(b) From the remaining 97 per centum of such funds the Director—

"(1) shall allot to each State an amount which bears the same ratio to 50 per centum of the remaining funds as the population in such State bears to the population in all States, and

"(2) from the remaining 50 per centum of the remainder from 705(b)(1) States submitting a State plan approved by the Director shall be awarded assistance under this part based on the relative needs of each State relating to correctional facilities as established in the State plan or any annual revision. In determining the relative needs of each State the Director shall consider—

"(A) whether population levels or conditions of confinement in State or local facilities are in violation of the Federal Constitution or State statutes, codes, or standards and the amount and type of assistance required to bring such facilities into compliance with the law;

"(B) the numbers and general characteristics of the inmate population, to include factors such as offender ages, offenses, average term of incarceration, and custody status; and

"(C) other relevant criteria.

In allocating assistance under this part, the Director shall give primary consideration to the needs of States which have made satisfactory assurances that they have implemented, or are in the process of implementing, significant measures to reduce overcrowding and improve conditions of confinement in State and local correctional facilities, through legislative, executive, and/or judicial initiatives.

"(3) Notwithstanding the provisions of subsection (b), during the period within which funds are available under this part, each State with an approved plan shall be entitled to grant or bond interest subsidy assistance totaling no less than one half of one per centum of available funds.

"(4) For the purpose of this section, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa,

the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

"STATE PLAN

"SEC. 706. (a) Any State desiring to receive its allotment of Federal funds under this part shall, within 180 days following the promulgation of rules implementing this subpart, submit a State-needs assessment and action plan for a five-year period, supplemented by such annual revisions as may be necessary, which is consistent with such basic criteria as the Director may prescribe under section 707. Each such plan shall—

"(1) provide for the administration of the plan by a State agency which is generally representative of State agencies and agencies of units of general local government concerned with the correctional facilities in that State;

"(2) set forth a comprehensive statewide program assessing needs and establishing priorities and action plans which involve both construction and nonconstruction initiatives to relive overcrowding and improve conditions of confinement in correctional facilities;

"(3) provide satisfactory assurance that the control of funds granted under this part and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property for such purposes;

"(4) provide assurances that the State agency or local government will, after a reasonable period of Federal assistance, pay from non-Federal sources any remaining or continuing construction or nonconstruction costs of the program for which application is made including the cost of programs to be carried out in the facilities for which assistance is sought under this part;

"(5) provide assurances that, to the extent practical, correctional facilities will be used for other criminal justice purposes if they are no longer used for the specific purpose for which they were built;

"(6) provide assurances that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of projects reducing overcrowding and improving conditions of confinement in corrections facilities not assisted under this part;

"(7) provide, based on requests and relative need, for appropriately balanced allocation of funds between the State and units of general local government within the State and among such units for projects for the construction and modernization of correctional facilities;

"(8) provide for appropriate executive and judicial review of any actions taken by the State agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or any combination of such units for assistance under this part;

"(9) set forth policies and procedures designed to assure that Federal funds made available under this part will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the construction and renovation of corrections facilities in the State;

"(10) provide assurances that the State is making diligent efforts, consistent with public safety, to reduce overcrowding and improve programs and conditions of confinement in its correction facilities through legislative, executive, and judicial advanced practice initiatives such as incentives for greater use of community corrections facilities, development of State corrections standards, more effective use of prisoner classification methods and overcrowding contingency plans, as well as prison industry, education, and work-release programs;

"(b) The Director shall approve a State plan and any revisions thereof only if the State plan complies with the requirements set forth in subsection (a).

"BASIC CRITERIA

"SEC. 707. As soon as practicable after enactment of this part, the Director shall by regulation prescribe basic criteria to be applied by the State agency under section 706. In addition to other matters, such basic criteria shall provide the general manner in which the State agency will determine priority of projects based upon—

"(1) the relative needs of the area within such State for correctional facility assistance, particularly where such assistance is necessary to bring existing facilities into compliance with Federal or State law;

"(2) the relative ability of the particular public agency in the area to support a program of construction or modernization; and

"(3) the extent to which the project contributes to an equitable distribution of assistance under this part within the State.

"CLEARINGHOUSE ON THE CONSTRUCTION AND MODERNIZATION OF CRIMINAL JUSTICE FACILITIES

"SEC. 708. (a) The Director shall establish and operate a clearinghouse on the construction and modernization of correctional facilities, which shall collect and disseminate to the public information pertaining to the construction and modernization of correctional facilities, including information concerning ways in which a construction program may be used to improve the administration of the criminal justice system within each State. The Director is authorized to enter into contracts with public agencies or private organizations to operate the clearinghouse established or designated under this section.

"INTEREST SUBSIDY FOR CRIMINAL JUSTICE FACILITY CONSTRUCTION BONDS

"SEC. 709. (a) The Secretary of the Treasury is authorized to pay to any State or political subdivision thereof which issues obligations

described in section 103(a) of the Internal Revenue Code of 1954 which are issued as part of an issue substantially all of the proceeds of which are to be used to finance correctional facilities such amounts as may be necessary to reduce the cost to the issuer of such bonds to a rate of interest not in excess of 5 per centum per annum. Such payments shall be made only upon application of the issuer made in such form, in such manner, and at such time as the Director shall require consistent with the criteria established for allocating funds under sections 706 and 707.

"(b) Payments under subsection (a) may be made in advance, by installment, or in any other manner determined by the Secretary, in consultation with the Director, to be appropriate under the circumstances, and may be made on the basis of estimates, if necessary, with corrections in later payments to the extent necessary to compensate for overpayments or underpayments arising out of errors of estimate or otherwise.

"(c) No State may receive a combination of bond subsidies under this section and grants under this part in excess of such State's allocation formula.

"(d) The payment, by the Secretary of any amount under subsection (a) to a State or a political subdivision thereof, shall not affect the status of any such obligation under section 103 of such Code, nor shall it cause the interest thereon to be excludable only in part under such section.

"DEFINITIONS

"SEC. 710. As used in this part—

"(1) The term 'correctional facility' means any prison, jail, reformatory, work farm, detention center, pretrial detention facility, community-based correctional facility, halfway house, or other institution designed for the confinement or rehabilitation of individuals charged with or convicted of any criminal offense, including juvenile offenders.

"(2) The term 'construction' includes the preparation of drawings and specifications for facilities; erecting, building, acquiring, altering, remodeling, renovating, improving, or extending such facilities, and the inspection and supervision of the construction of such facilities. The term does not include interest in land or offsite improvements.

"PART H—DEFINITIONS

"DEFINITIONS

"SEC. 801. As used in this title—

"(1) 'criminal justice' means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the reha-

bilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency;

"(2) 'State' means any State of the United States, the District of Columbia and the Commonwealth of Puerto Rico;

"(3) 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, any agency of the District of Columbia government or the United States performing law enforcement functions in and for the District of Columbia, and the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

"(4) 'public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

"(5) 'criminal history information' includes records and related data, contained in an automated or manual criminal justice information system, compiled by law enforcement agencies for the purpose of identifying criminal offenders and alleged offenders and maintaining as to such persons records of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation, and release;

"(6) 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title;

"(7) 'Attorney General' means the Attorney General of the United States or his designee;

"(8) 'Assistant Attorney General' means the Assistant Attorney General for Justice Assistance.

"PART I—FUNDING

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 901. There is authorized to be appropriated to carry out the functions of the Bureau of Justice Statistics such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. There is authorized to be appropriated to carry out the functions of the National Institute of Justice such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. There is authorized to be appropriated for parts A, B, E, F, G and N, and for the purposes of carrying out the remaining function of the Office of Justice Assistance other than parts J and L, such sums as are necessary for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. The appropriation authorized for the Bureau of Criminal Justice Facilities or for any function or activity authorized for part G shall not exceed in total twenty-five million dollars for any fiscal year ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987. Funds appropriated for

any fiscal year may remain available for obligation until expended. There is authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part J and part L.

"PART J—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

"PAYMENTS

"SEC. 1001. (a) In any case in which the Office determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Office shall pay a benefit of $50,000 as follows:

"(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

"(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

"(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

"(b) Whenever the Office determines upon showing of need and prior to final action that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Office may make an interim benefit payment not exceeding $3,000 to the person entitled to receive a benefit under subsection (a) of this section.

"(c) The amount of an interim payment under subsection (b) shall be deducted from the amount of any final benefit paid to such person.

"(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) shall be liable for repayment of such amount. The Office may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, except—

"(1) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1)); or

"(2) benefits authorized by section 8191 of title 5, United States Code; such beneficiaries shall only receive benefits under that section that are in excess of the benefits received under this part.

"(f) No benefit paid under this part shall be subject to execution or attachment.

"LIMITATIONS

"SEC. 1002. No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(2) if the public safety officer was voluntarily intoxicated at the time of his death;

"(3) if the public safety officer was performing his duties in a grossly negligent manner at the time of his death; or

"(4) to any person who would otherwise be entitled to a benefit under this person's actions were a substantial contributing factor to the death of the public safety officer.

"DEFINITIONS

"SEC. 1003. As used in this part—

"(1) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

"(i) eighteen years of age or under;

"(ii) over eighteen years of age and a student as defined in section 8101 of title 5, United States Code; or

"(iii) over eighteen years of age and incapable of self-support because of physical or mental disability;

"(2) 'dependent' means a person who was substantially reliant for support upon the income of the deceased public safety officer;

"(3) 'fireman' includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department;

"(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by—

"(i) a post-mortem blood alcohol level of .20 per centum or greater;

"(ii) a post-mortem blood alcohol level of at least .10 per centum but less than .20 per centum, unless the Office receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his death;

or resulting from drugs or other substances in the body;

"(5) 'law enforcement officer' means a person involved in crime and juvenile delinquency control or reduction, or enforcement of the laws. This includes, but is not limited to, police, corrections, probation, parole, and judicial officers;

"(6) 'public agency' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing; and

"(7) 'public safety officer' means a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or a fireman.

"ADMINISTRATIVE PROVISIONS

"SEC. 1004. (a) The Office is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part.

Rules, regulations, and procedures issued under this part may include regulations governing the recognition of agents or other persons representing claimants under this part before the Office. The Office may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Office, and any agreement in violation of such rules and regulations shall be void.

"(b) In making determinations under section 1001, the Office may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Office.

"JUDICIAL REVIEW

"SEC. 1005. The United States Claims Court shall have exclusive jurisdiction over all actions seeking review of the final decisions of the Office under this part.

"PART K—FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"AUTHORITY FOR FBI TO TRAIN STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"SEC. 1101. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel;

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"(c) Notwithstanding the provisions of subsection (a), the Secretary of the Treasury is authorized to fund and continue to develop, establish and conduct training programs at the Federal Law Enforcement Training Center at Glynco, Georgia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel so long as that training does not interfere with the Center's mission to train Federal law enforcement personnel.

"PART L—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

"APPLICATION REQUIREMENTS

"SEC. 1201. (a) The Attorney General is authorized to receive from the chief executive of any State a request for designation of a State or local jurisdiction as a law enforcement emergency jurisdiction. Such application shall be submitted in such manner and containing or accompanied by such information as the Attorney General may prescribe. Such application for designation as a law enforcement emergency jurisdiction shall be evaluated by the Attorney General according to such criteria, and on such terms and conditions as he shall establish and shall publish in the Federal Register prior to the beginning of fiscal year 1984 and each fiscal year thereafter for which appropriations will be available to carry out the program.

"(b) The Attorney General shall, in accordance with the criteria established, approve or disapprove such application not later than ten days after receiving such application.

"ASSISTANCE PROVIDED

"SEC. 1202. (a) Upon a finding by the Attorney General that a law enforcement emergency exists in accordance with the provisions of section 1201 of this title, the Federal law enforcement community is authorized to provide emergency assistance for the duration of the emergency. The cost of such assistance may be paid by the Office of Justice Assistance from funds appropriated under this part, in accordance with procedures established by the Office and the heads of the participating Federal law enforcement agencies and with the approval of the Attorney General.

"(b) Upon such finding by the Attorney General, the Office of Justice Assistance may provide technical assistance, funds for the lease or rental of specialized equipment and other forms of emergency assistance to the jurisdiction, except that no funds may be used to pay the salaries of local criminal justice personnel or otherwise supplant State or local funds that would in the absence of such Federal funds be made available for law enforcement. The cost of assistance provided under this section shall be paid by the Office of Justice Assistance from funds appropriated under this part. The Federal share of such assistance may be up to 100 per centum of project costs.

"DEFINITIONS

"SEC. 1203. For the purposes of this part—

"(1) the term 'Federal law enforcement assistance' means equipment, training, intelligence information, and technical expertise;

"(2) the term 'Federal law enforcement community' means the heads of the following departments or agencies:

"(A) the Department of Justice,

"(B) the Internal Revenue Service,

"(C) the Customs Service,

"(D) the National Park Service,

"(E) the Secret Service,

"(F) the Coast Guard,

"(G) the Bureau of Alcohol, Tobacco and Firearms,

"(H) other Federal agencies with specific statutory authority to investigate violations of Federal criminal laws;

"(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

"(4) the term 'law enforcement emergency' means an uncommon situation in which State and local resources are inadequate to protect the lives and property of citizens or enforce the criminal law.

"ADMINISTRATIVE REQUIREMENT

"SEC. 1204. The recordkeeping and administrative requirements of section 1409 and section 1410 shall apply to funds provided under this part.

"PART M—TRANSITION

"CONTINUATION OF RULES, AUTHORITIES, AND PROCEEDINGS

"SEC. 1301. (a) All orders, determinations, rules, regulations, and instructions of the Office of Justice Assistance, Research, and Statistics which are in effect on the date of the enactment of this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, or his designee, or by operation of law.

"(b) The amendments made to this title by the Justice Assistance Act of 1983 shall not affect any suit, action, or other proceeding commenced by or against the Government before the date of the enactment of such Act.

"(c) Nothing in this title prevents the utilization of funds appropriated for purposes of this title for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts that were awarded under this title. The final disposition and dissemination of program and project accomplishments with respect to programs and projects approved in accordance with this title, as in effect before the date of the enactment of the Justice Assistance Act of 1983, may be carried out with funds appropriated for purposes of this title.

"(d) The Assistant Attorney General may award new grants, enter into new contracts or cooperative agreements and otherwise obligate unused or reversionary funds previously appropriated for the purposes of Parts D, E and F of this title as in effect on the day before the date of enactment of the Justice Assistance Act of 1983, or for purposes consistent with this title.

"(e) Notwithstanding any other provisions of law, the Assistant Attorney General shall have all the authority previously vested in the Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration necessary to terminate the activities of the Law Enforcement Assistance Administration and the Office of Justice As-

sistance, Research, and Statistics, and all provisions of this title, as in effect on the day before the enactment of the Justice Assistance Act of 1983, which are necessary for this purpose remain in effect for the sole purpose of carrying out the termination of these activities.

"PART N—ADMINISTRATIVE PROVISIONS

"ESTABLISHMENT OF RULES AND DELEGATION OF FUNCTIONS

"SEC. 1401. (a) The Attorney General is authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of the functions of the Office, the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the Institute and the Bureau of Justice Statistics, and as are consistent with the stated purpose of this title.

"(b) The Attorney General may delegate to any of his respective officers or employees such functions as the Attorney General deems appropriate.

"NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

"SEC. 1402. (a) Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, the Office finds that a recipient of assistance under this title has failed to comply substantially with—

"(1) any provisions of this title;

"(2) any regulations or guidelines promulgated under this title; or

"(3) any application submitted in accordance with the provisions of this title, or the provisions of any other applicable Federal act; the Assistant Attorney General, until satisfied that there is no longer any such failure to comply, shall terminate payments to the recipient under this title, reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title, or limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

"(b) If any grant under this title has been terminated, the Bureau of Justice Programs, the Bureau of Criminal Justice Facilities, the National Institute of Justice or the Bureau of Justice Statistics, as appropriate, shall notify the grantee of its action and set forth the reason for the action taken. Whenever such a grantee requests a hearing, the Office, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such grantee; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein. The Office is authorized to take final action without a hearing if after an administrative review of the termination it is determined that the basis for the appeal, if substantiated, would not establish a basis for con-

tinuation of the grant. Under such circumstances, a more detailed statement of reasons for the agency action should be made available, upon request, to the grantee.

"(c) If such recipient is dissatisfied with the findings and determinations of the Office, following notice and hearing provided for in subsection (a) of this section, a request may be made for rehearing, under such regulations and procedure as the Office may establish, and such recipient shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.

"FINALITY OF DETERMINATIONS

"SEC. 1403. In carrying out the functions vested by this title in the Office, its determinations, findings, and conclusions shall, after reasonable notice and opportunity for a hearing, be final and conclusive upon all grants.

"SUBPOENA POWER; AUTHORITY TO HOLD HEARINGS

"SEC. 1404. The Office may appoint such hearing examiners or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out the powers and duties under this title. The Office, or upon authorization, any member thereof or any hearing examiner or administrative law judge assigned to or employed thereby shall have the power to hold hearings and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"PERSONNEL AND ADMINISTRATIVE AUTHORITY

"SEC. 1405. (a) The Office is authorized to select, appoint, employ and fix compensation of such officers and employees as shall be necessary to carry out the powers and duties of the Office, the Bureau of Justice Programs, the Institute, the Bureau of Criminal Justice Facilities, and the Bureau of Justice Statistics under this title.

"(b) The Office, the Bureau of Justice Programs, the Institute, the Bureau of Criminal Justice Facilities, and the Bureau of Justice Statistics are authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of Federal, State, and local agencies to the extent deemed appropriate after giving due consideration to the effectiveness of such existing services, equipment, personnel, and facilities.

"(c) The Office may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of the functions under this title.

"(d) The Office, the Bureau of Justice Programs, the Institute, the Bureau of Criminal Justice Facilities, and the Bureau of Justice Statistics in carrying out their respective functions may use grants, contracts, or cooperative agreements in accordance with the standards established in the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et. seq.).

"(e) The Office may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal service, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(f) The Office is authorized to appoint pursuant to the Advisory Committee Management Act, but without regard to the remaining provisions of title 5, United States Code, technical or other advisory committees to advise it with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising or attending meetings of the committees, shall be compensated at rates to be fixed by the Office but not exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"(g) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Office, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the joint resolution entitled 'Joint resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. 551).

"(h) The Office is authorized to accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)). Such individuals shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims.

"TITLE TO PERSONAL PROPERTY

"SEC. 1406. Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including such property purchased with funds made available under this Act as in effect before the date of the enactment of the Justice Assistance Act of 1983, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the State office described in section 506 that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State office, which shall seek to have the property used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.

"PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES

"SEC. 1407. Nothing in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control

over any police force or any other criminal justice agency of any State or any political subdivision thereof.

"NONDISCRIMINATION

"SEC. 1408. (a) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.

"(b) Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the Office of Justice Assistance—

"(1) to require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency; or

"(2) to deny or discontinue a grant because of the refusal of an applicant to grantee under this title to adopt such a ratio, system or other program.

"(c) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged in or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such a court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

"(d) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within forty-five days after such filing has been granted such preliminary relief with regard to the suspension or repayment of funds as may be otherwise available by law, the Office of Justice Assistance shall cause to have suspended further payment of any funds under this title to that specific program or activity alleged by the Attorney General to be in violation of the provisions of this subsection until such time as the court orders resumption of payment.

"RECORDKEEPING REQUIREMENT

"SEC. 1409. (a) Each recipient of funds under this title shall keep such records as the Office shall prescribe, including records which fully disclose the amount and disposition by such recipient of the funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the

project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Office or any of its duly authorized representatives, shall have access for purpose of audit and examination of any books, documents, papers, and records of the recipients of funds under this title which in the opinion of the Office may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"(c) The Comptroller General of the United States or any of his duly authorized represenatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers, and records of recipients of Federal funds under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"(d) The provisions of this section shall apply to all recipients of assistance under this title, whether by direct grant, cooperative agreement, or contract under this title or by subgrant or subcontract from primary grantees or contractors under this title.

"CONFIDENTIALITY OF INFORMATION

"SEC. 1410. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, and no recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

"(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Office shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

"(c) All criminal intelligence systems operating through support under this title shall collect, maintain, and disseminate criminal intelligence information in conformance with policy standards which are prescribed by the Office and which are written to assure

that the funding and operation of these systems furthers the purpose of this title and to assure that such systems are not utilized in violation of the privacy and constitutional rights of individuals.

"(d) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law.".

UNITED STATES CODE

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TITLE 5: GOVERNMENT ORGANIZATION AND EMPLOYEES

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PART III—EMPLOYEES

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Subpart D—Pay and Allowances

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CHAPTER 53—PAY RATES AND SYSTEMS

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Subchapter II—Executive Schedule Pay Rates

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§ 5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

* * * * * * *

Director, Institute for Scientific and Technological Cooperation.

[Director, Office of Justice Assistance, Research, and Statistics.]

Under Secretary of Agriculture for Small Community and Rural Development.

Administrator, Maritime Administration.

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§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate de-

termined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

* * * * * * *

[Administrator of Law Enforcement Assistance.
[Director of the National Institute of Justice.
[Director of the Bureau of Justice Statistics.]
Chief Counsel for Advocacy, Small Business Administration.

* * * * * * *

§ 5316. Positions at level V

Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

* * * * * * *

Director of the National Institute of Justice.
Director of the Bureau of Justice Statistics.
Director of the Bureau of Criminal Justice Facilities.
Director of the Bureau of Justice Programs.

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TITLE 18: CRIMES AND CRIMINAL PROCEDURE

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CHAPTER 85—PRISON-MADE GOODS

Sec.
1761. Transportation or importation.
1762. Marking packages.

§ 1761. Transportation or importation

(a) * * *

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[(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall also not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners participating in a program of not more than seven pilot projects designated by the Administrator of the Law Enforcement Assistance Administration and who—

[(1) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

[(A) taxes (Federal, State, local);

[(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief State correctional officer;

[(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

[(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

[(2) have not solely by their status as offenders, been deprived of the right to participate in benefits made available by the Federal or State Government to other individuals on the basis of their employment, such as workmen's compensation. However, such convicts or prisoners shall not be qualified to receive any payments for unemployment compensation while incarcerated, notwithstanding any other provision of the law to the contrary;

[(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangments as a result of participation in such employment.]

(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall also not apply to goods, wares, services or merchandise manufactured, produced, provided or mined by convicts or prisoners participating in a program of not more than 20 projects designated by the Director of the Bureau of Criminal Justice Facilities, who—

(1) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

(A) taxes (Federal, State, local);

(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief correctional officer of the jurisdiction;

(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages:

(2) are entitled to compensation for injury sustained in the course of participation in these projects;

(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.

(d) The provisions of subsection (c) shall not apply unless—

(1) representatives of local union central bodies or similar labor union organizations have been consulted prior to the initiation of any project otherwise qualifying for any exception created by subsection (c); and

(2) such paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts, or

trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services.

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TITLE 41: PUBLIC CONTRACTS

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§ 35. Contracts for materials, etc., exceeding $10,000; representations and stipulations

In any contract made and entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States (all the foregoing being hereinafter designated as agencies of the United States), for the manufacture of furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000, there shall be included the following representations and stipulations:

* * * * * * *

(d) That no male person under sixteen years of age and no female person under eighteen years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract *except that this section, or any other law or Executive order containing similar prohibitions against purchase of goods by the Federal Government, shall not apply to convict labor which satisfies the conditions of section 1761(c) and 1761(d) of title 18, United States Code*; and

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TITLE 49: TRANSPORTATION

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§ 11507. Prison-made property governed by State law

Goods, wares, and merchandise produced or mined in a penal institution or by a prisoner not on parole or probation and transported into and used, sold, or stored in a State or territory or possession of the United States, is subject to the laws of that State, territory, or possession. This section does not apply to commodities produced in a penal institution of the United States Government for its use, *or to commodities produced by a project designated by the Director of the Bureau of Criminal Justice Facilities under Section 1761(c) of title 18, United States Code.*

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